

# **Interrogating Large-Scale Land Acquisition and its Implications for Women's Land Rights in Cameroon, Ghana and Uganda**

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## Synthesis

Land and land-based resources are vital for the survival of rural dwellers, especially women, in sub-Saharan Africa. However, global financial, food and climate crises in the recent past have produced new dynamics for land interest, resulting in an increase in large-scale land acquisitions (LSLAs) in Africa. This situation has led to uneven competition and a decrease in available land for local use. This study, carried out by researchers from Cameroon, Ghana and Uganda, interrogates LSLAs and their implications on women in three sub-Saharan African countries (Cameroon, Ghana and Uganda). The three countries: Cameroon (Central Africa), Ghana (West Africa) and Uganda (East Africa), were purposefully selected for the study because they have slightly different land tenure regimes. The research is mainly qualitative, using interviews and focus group discussions for primary data collection. Research protocols were developed during a methodology workshop held in Cameroon, followed by another workshop for data analysis in Ghana. Both workshops were attended by researchers from the three country research teams. Findings revealed that although large-scale land acquisition is very rampant in Africa, there are diverse views regarding its impact on African and women's development. It was also observed that the current formal and informal frameworks regulating land governance in the three countries, like elsewhere in the sub-continent, have greatly been influenced by European colonization in Africa. Although the land laws of each address the gender question to various degrees, these laws are generally weak, giving room to manipulation and to the exclusion of women and other vulnerable groups during implementation. The process of LSLA was also seen to be very complex, involving diverse actors, most often not respecting procedures and not including major stakeholders. It promotes the commoditization and individualization of land over collective ownership which regards land as a 'deity' held in trust by chiefs and village elders for their people. The powers of chiefs

and traditional structures over land are decreasing in favor of those of public officials and institutions. Power relations between men and women in affected communities and between government and agro-companies came out as a major component in defining procedural and distributive justice in the process of LSLAs. Although some women reported economic benefits of LSLAs such as employment opportunities for themselves and family members, in Ghana and Cameroon for example, women were largely victims of the effects of displacements, evictions, and environmental degradation. The overall impact of LSLAs on women in the three countries according to this research is negative. Women lose their rights and access to land, water resources, fuel wood, adequate shelter, inadequate compensation and livelihood. These and other shortfalls of LSLAs have sparked a wave of resistance from affected populations against the process in the form of petitions, resistance marches and law suits. While women in Cameroon and Ghana were relatively inactive during these resistances, their counterparts of Uganda were not. Women in Uganda protested against LSLAs by stripping naked before the officials. In Cameroon and Ghana, resistance was more visible at the level of the communities supported by NGOs. The study concludes that there is an absence of a common legal framework for defining land rights and regulating LSLAs in the three countries studied and LSLA is of little or no benefit to the community that loses their land. The study is therefore recommending that laws and policies governing the process of LSLA stress a mandatory participatory approach that includes the voices, interests and concerns of men and women in affected communities. Beyond this research output, the project led to a number of publications, research briefs, conference paper presentations, and capacity building opportunities for women, students and researchers involved in the project. The conferences and papers presented helped to increase project visibility and ventilate gendered knowledge on LSLA capable of contributing to policies that promote a gender inclusive process of LSLA that can lead to a win-win situation in Africa.



## List of Abbreviations and Acronyms

AFJN	African Faith and Justice Network
ALLAT	Action for Large-scale Land Acquisition Transparency
CDC	Cameroon Development Corporation
CED	Centre for Environment and Development
CICOL	Civil Society Coalition on Land
COGES	Comité de Gestion Environnementale et Sociale
CSO	Civil Society Organizations
CSR	Corporate Social Responsibility
DO	Divisional Officer
FIAN	Foodfirst Information Action Network
GDP	Gross Domestic Product
ILC	International Land Coalition
LCB	Land Consultative Board
LSLA	Large-scale Land Acquisition
LSLAs	Large-scale Land Acquisitions
LVC	La Via Compensina
MoU	Memorandum of Understanding
NGO	Non-Governmental Organization
NKG	Neumann Kaffe Gruppe
NTFPs	Non-Timber Forest Products
OCB	Organisation Camerounaise Banane
PHP	Plantations du Haut Penja
RELUFA	Réseau de Lutte Contre la Faim au Cameroun
RSPO	Roundtable on Sustainable Palm Oil
SAC	SOCFIN Agricultural Company Limited
SCB	Side Board Commission
SDO	Senior Divisional Officer
SEFE	Struggle to Economize Future Environment
SG SOC	Sithe Global Sustainable Oil Cameroon
TNC	Trans National Corporation
UIA	Uganda Investment Authority



# **Part I**

## Conceptualizing the Study



## **Chapter 1**

# General Introduction

Research in Africa has shown that land remains a key resource, particularly for the poor in sub-Saharan Africa. The majority of rural dwellers rely more on land-based resources for livelihoods than anywhere else in the world (FAO, 1999). However, the global financial and food crises of 2008, coupled with concerns about climate change in the last few years, have together ignited the phenomenon of large-scale land acquisitions (LSLA) on the continent (Oxfam, 2011; Polack and Cotula, 2008). Known variously as land grabbing, green colonization or new land colonization, LSLA is a process by which both local and foreign investors acquire or lease large expanses of land in the global South for the production of exportable bio-fuels and food. LSLA has repositioned Africa as a key player in globalization. With the largest amounts of uninhabited and perhaps more importantly underutilized land (Rukuni et al., 2006) as well as poor land governance regimes (Deininger, 2011), Africa has become a major site of interest for large-scale land acquisitions. In 2009, for example, a full 70% of the estimated 45 million hectares of land sourced globally were in Africa (Matondi et al., 2011:3). To appreciate the magnitude of the increase in African lands, Deininger (2011: 218) points out that this amounted to more than twenty years of previous land expansion.

This wanton large-scale land acquisition is propelled primarily by profit (Grain, 2012) and the quest for development in sub-Saharan African. The new form of land scramble described by leaders of the G8 as neo-colonialism (Vidal, 2009) does not only affect women's land rights and by extension food security and sovereignty, but also their access to and control over water resources as these are transferred to the land grabbers. Thus, despite popular resistance across the continent

against LSLAs, the governments of these poor countries see LSLAs not as an 'evil' but as a 'win-win' situation which in the course of satisfying investors, expects benefits in terms of employment, development and industrialization, and greater food security, amongst others (World Bank, 2010). These diverse views thus portray LSLAs as both an economic tool and a development obstacle (Zetterlund, 2013). There is thus need to reconsider the gender dimensions of LSLAs since men and women enjoy different rights over land within existing power relations and are likely to be affected differently in the process.

### **1.1. Background to the study**

The term 'large-scale land acquisition' is fairly neutral. It speaks to the outcome of a process which results in a large tract of land being transferred from one owner to the other. Increasingly, however, some literature (Oxfam, 2011; Motupo, 2012; Fonjong and Fokum, 2015) suggests that equal attention must be paid to the process by which the land changes hands, and to the outcome of the transactions. Such scholars suggest that large-scale land acquisitions can in some cases be referred to as land grab or capture. This makes it difficult to provide an outright definition of the phenomenon because it is framed differently by different authors and scholarships. For example, Hermele and Syd (2012) used the word land grab and noted lapses in the early framing of the concept which viewed land grabbing from three traits: 1) the size of the deal should be above 1000 hectares, 2) land grabbers (states or corporations) are outside affected areas, and 3) the purpose for grabbing the land was to supply food to external market or investors' home markets. Daniel et al., (2009) also use the term 'land grabs', describing it as the purchase or lease of vast land by public and private investors from wealthier and food insecure nations, mostly in poor developing countries in order to produce crops for export.

The International Land Coalition, on its part, believes that LSLAs become land grabs only when the process is characterized by any one of the following: 1) violation of human rights, especially the equal rights

of women; 2) not based on the free, prior and informed consent of the affected land users; 3) not based on thorough assessment or disregards social, economic, environmental and gendered impacts; and 4) not based on transparent contracts with a clear and binding commitment about activities, employment and sharing of other benefits. Other scholars such as Motupo (2012) and Fonjong and Fokum (2015) focus on the actors in the process and hold that since many of the investors involved in large-scale land transactions are foreign, the process/outcome can also be described as land foreignization. Thus, depending on the scale, emphasis or author, the terms large-scale land acquisitions, land rush, land grab, and land foreignization are sometimes used interchangeably to describe the same phenomenon.

Foreign companies or investors are the principal negotiators and actors in the current wave of large-scale land acquisition deals - they are assisted by national elites and governments (Action Aid, 2013). Foreign investors are both public and private sector investors with investments targeting significantly different objectives. Government projects include those initiated by capital-rich but land-poor nations (such as the Gulf countries) in search of secure food sources, those negotiated in order to gain access to a constant supply of non-food resources, and those motivated by recent policy shifts towards renewable fuels and the need for biofuel cultivations (Cotula and Vermeulen, 2009; Chasukwa, 2013; Hofman, 2013; Von Braun and Meinzer-Dick, 2009). Private foreign investors, on their part, are sponsored by financial institutions, large agribusinesses and corporate investors (Cotula and Vermeulen, 2009; Chasukwa, 2013; Hofman, 2013,). These investors come from a wide range of countries in both the global North and South, and include the Chinese (Hofman and Ho, 2012) and South Africans (Hall, 2012). In addition to this trio (state, foreign investors and elites), Mutopo (2012) also recognizes the growing involvement of non-state actors, indigenes and local elites, whom the author observes are scarcely part of the biofuel regulations/negotiations. The discussion above highlights some common features of LSLAs that have to do with the size of the land,

actors involved and their motives, processes and to a lesser extent the outcomes. The spatial analysis of LSLA is also important.

A careful examination of the geographic trends and scale of LSLAs presents alarming trends but within this global picture are regional and country differences. Oxfam estimates that over the first decade of the twenty-first century, governments and foreign companies alone have acquired 227 million hectares of land in developing countries (Kinoti, 2012). The International Research Institute estimates that between 2005 and 2009 alone, over 20 million hectares of land were grabbed (IFPRI, 2009). Research so far indicates that 46.94 hectares of global land have been acquired over the last few years and the most affected areas are: Africa (47%) and Asia (33%), with the rest of the world having contributed only 20% of the land acquisitions (German, et al., 2011). Other studies (Richards, 2013; Answeeuw, et al., 2012 and Friis and Reenberg, 2010) show that 5% of the African agricultural land area has already been taken over by LSLA, indicating that out of a global total of 83 million hectares of land grabbed, 56 million hectares (68%) alone, are in Africa).

The World Bank believes that countries that attract foreign investors are mostly those with abundant land and/or weak governance (Klaus, 2011). In Africa, existing evidence in Ghana shows that between 2004 and 2008, three projects involving more than 100,000 hectares of land were approved, valued at US \$30 million. One of these covered 40, 000 hectares while the other 2 covered 52, 000 hectares (Cotula et al., 2009: 42). Since then, large-scale land grabs for the development of biofuel plantations have been established in almost all 10 regions of the country (Boamah 2011, 159). The US-Herakles Farms' local subsidiary, SG-SOC alone acquired over 73,000 hectares of land in one land deal in Cameroon in 2009. The land Matrix portal of 2012 indicates for example that as of 2012, land deals had involved 1,324,475 hectares in Tanzania, 633,500 hectares in Kenya, and 121,512 hectares in Uganda ([landportal.info/landmatrix](http://landportal.info/landmatrix)). Other countries such as the young nation



of South Sudan reported 2.64 million hectares between 2007 and 2010 (Oxfam, 2011). Over 100,000 hectares of land were sold to the Chinese ZTE agro-company in the Democratic Republic of Congo in 2008 (Reuter, 2013); and 80,000 hectares were acquired by the South African agro group in Congo-Brazzaville (GRAIN, 2012).

African countries south of the Sahara according to the above figures are greatly affected by LSLAs. But as Borras and Franco (2011), Visser and Spoor (2011) contend, the phenomenon of land grabbing is not Africa-specific but extends to all the continents. ActionAid (2013) have outlined the following range of factors that account for the growing interest in undertaking land deals in Africa: Africa needs foreign investment; needs to shift from traditional to modern forms of agriculture in order to increase productivity; and land in Africa is seen to be abundant, vacant, idle and under-utilized. This view is shared by some African governing elites; for example, Mozambique's Minister of Energy, Salvador Namburete, stated that 36 million hectares of arable land could be used for biofuels without threatening food production while another 41 million hectares of marginal land would be suitable for raising jatropha. Zambia's Minister of Agriculture, Brian Chituwo boasted '...we have well over 30 million hectares of land that are begging to be utilised...', while his counterpart in Ethiopia, Abeda Deressa, suggested that pastoralists displaced by land grabbing 'can just go somewhere else' (Palmer 2010, as cited in Matondi et al., 2011: 5).

Not everyone is on the same page with regards to the goals, processes and impact of LSLAs in Africa, and as a result a heated academic debate has ensued in the wake of these acquisitions. There are those optimistic of the phenomenon that comprise academics, state officials and foreign investors. Von Braun and Meinzen-Dick (2009) note that large-scale agricultural projects could potentially generate the following: jobs both on and off farms, infrastructure, particularly health posts and schools, increased food production as well as access to

improved farming technologies and practices. When such acquisitions provide farmers dispossessed of their land with employment opportunities either as out growers or contract farmers, the benefits are seen to accrue to both parties (Woodhouse and Ganho, 2012).

On the other hand, African scholars like Obbo (2012) who share a pessimistic view about LSLAs note that the lack of mechanisms for protecting indigenous land rights in most of sub-Saharan Africa creates a situation whereby communities are unable to negotiate and protect their local interests, livelihoods and welfare in land deals. Large-scale land acquisitions in environments with poor land governance can be disastrous, particularly for women whose interests and needs, often embedded within a patriarchal social system, are generally overlooked. Moreover, LSLAs have accelerated the pace at which the commodification of customary land is taking place. With this transformation, the limited access to land which women had in customary settings is further undermined by the interests of male head in acquiring hitherto inaccessible wealth. Land transactions are more likely to take place in a non-transparent manner such that women can neither participate in nor benefit from LSLA, or for that matter demand accountability when their land rights are undermined. That is why studies by Taylor (2012) noted that less than 36% of reported land deals by ILO were signed.

## **1.2. Research problem**

Poor land governance has encouraged high demand for Africa's land (Deininger, 2011) and quantitative data from World Bank studies by Deininger (2011) have corroborated this high demand at country levels. For example, Richards (2013) reproduced the following country-specific data for LSLA areas in Africa from the study: Ethiopia (1,190,000 hectares), Liberia (1,602, hectares), Mozambique (2,670,000) and Nigeria (793,000 hectares). In the process, customary land is transformed into private land. This means the disappearance of communal land to which

women had access. This transformation process of land from communally owned property to private property is often undertaken in a non-transparent manner such that women cannot participate in and benefit from the transaction, or demand accountability when their land rights are trampled upon. So, where do women fit in, in the current governance and processes of LSLA, and how can actors involved be made more accountable to ensure that LSLA is gendered and can create a win-win situation in sub-Saharan Africa?

### **1.3. Research objectives**

The main objective of the study is to explore the extent to which women participate in the current governance and process of LSLA as well as the manner in which actors involved can be made more accountable to ensure that the benefits of LSLAs accrue equitably to men and women. As specific objectives, the study seeks to:

1. explore the formal and informal rules and mechanisms employed by actors involved in LSLAs in the study areas;
2. create gender-sensitive evidence-based knowledge that can be used by women, local communities, non-state actors and public authorities to enhance accountability and legitimacy in LSLAs processes;
3. develop evidence that demonstrates the ways in which women, men, communities, state and international actors can better respect and promote women's rights during LSLA processes;
4. propose gender-inclusive strategies for formal and informal institutions that will respect, promote, and protect women's rights in the process of LSLA.

## **Chapter 2**

# **Large-scale Land Acquisition in Context**

There is need to understand the global phenomenon of LSLAs in order to better interrogate how it implicates women in Cameroon, Ghana and Uganda. A lot of scholarship from the academia, development agencies and civil society organizations exists and is both critical of and acquiescent to LSLAs. This chapter reflects on some literature from Africa and beyond and identifies some of the gaps that this study can fill in the current debate.

### **2.1. Diverse views on LSLA in Africa**

Views on LSLA in Africa are very diverse and scholars are divided even on its definition, its relevance and its impact on Africa and the global south. Some scholars are very optimistic about the relevance and impact of LSLAs in the region, while others hold a pessimistic view. For instance, Von Braun and Meinzen-Dick (2009), World Bank (2010) Cotula (2012) etc., are very optimistic that LSLA could contribute to a positive development in affected communities and national economies, and produce good outcomes for the entire continent, if properly executed. According to this school of thought, if the process is better regulated through legislations, it could benefit the local communities in reducing poverty, increasing food supply and providing clean energy. Boamah (2011), for example, reports on local farmers in Ghana who either ended up with more fertile land, or earned a living being farmhands as a result of a *Jatropha* biodiesel project in Yendi District in Ghana. All these, the author argues, led to food security in the communities involved.

State officials across the continent of Africa also share this optimism. Mozambique's Minister of Energy, Salvador Namburete, Zambia's Minister of Agriculture, Brian Chituwo and his Ethiopian counterpart, Abeda Deressa all hold that LSLA does not threaten farmland or food production (Palmer, 2010, as cited in Matondi et al., 2011). Similar positive views are held by multinational companies racing for land in Africa. A multinational company like Africa Biofuel and Emission Reduction Company that operates in Tanzania and Kenya stated on its website that the project will make it possible for East African countries to not only meet, but actually exceed their Millennium Development Goals targets.

These optimists actually recognize that the LSLA process could have problems such as shady deals, large-scale dispossession of peasants, and unkept promises on the part of the foreign investors. However, according to them, these issues can be resolved through regulation (Deinger, 2011).

The other school of thought consists of scholars who are very pessimistic about the potential impact and relevance of LSLA on the African Continent and the global south in general. Oxfam (2011), Rosset (2011), De Shutter (2011), Borras and Franco (2012), LA Via Campesina (2012) etc., all argue that no matter its objectives, LSLA is wrong and in the current context can provide no positive future, and land regulation is not a solution. Olivier De Schutter (2011) and White et al. (2012) argue that land grab increases the speed at which markets for land rights developed in southern economies and thus makes land, otherwise available to peasants, no longer accessible to them. The phenomenon of land grabs also further impoverishes rural farming communities.

Schoneveld et al. (2011) provide empirical evidence to support this perspective. In analyzing the impact of a biofuel feedstock plantation in north-eastern Ghana which covers 69% of the land in one district, they

discovered that 98% of all households had experienced a fall in forestry-related activities. Though a small percentage of these citizens gained jobs on the plantation on an annual basis, they made less as farmhands than they would have made as peasant farmers (Shoneveld et al., 2011:13). The study also noted that women were particularly hit by the loss of access to land since they relied on sale of food crops (locust, bean plant and shea nuts) for income earning purposes and they were also less likely to be recruited as farmhands on the plantation (ibid, 2011).

Rossi and Lambrou (2008) and Alden Wily (2011) also reported the peculiar vulnerabilities of African women in the LSLAs. According to them, the common property lands, often referred to as unused or underutilized, is usually home to common property resources such as sheanut trees that women tend to rely on for livelihood. In addition to losing these livelihood resources, Behrman et al. (2012) further note that women are also more likely to be affected directly by the loss of firewood, water and medicinal plants when common property resources are privatized.

One of the areas of consensus in the literature is that of the drivers of LSLA, unlike on the impact where such common grounds are rare. The need to grow more food, produce clean energy (biofuel) in order to reduce the emission of greenhouse gases is a key driver of LSLA. Graham et al. (2010) add that the agricultural sector in developing countries is seen by many investors of LSLA as an opportunity to introduce new capital and technology to the sector which has for long been underfunded and undeveloped. However, as Hallam (2009) noted, these noble objectives and investments have been misconstrued and criticized because the process of LSLA is sometimes plagued by poor governance.

## **2.2. Some country and project experiences of LSLAs**

There are many country-specific examples of LSLA projects with diverse impacts that have been documented. Oakland Institute (2011)

dwelled on the Moulin Moderne Wheat Farm which acquired over 20,000 hectares of land in 2010 in Mali. This project which resulted in women losing out their farmland was carried out without consultation and environmental impact assessment and victims were paid inadequate compensation. The ensuing conflicts between affected communities and the agro-company, because of these inadequacies, resulted in human rights abuses committed on the protesting population by the police.

Several controversial LSLA projects have been reported by the literature in Kenya. The Italian-based Kenya Jatropha Energy Ltd acquired 50,000 hectares for its project and Kenya Tana Delta 20,000 hectares for a sugar project. These have been widely reported by Nature Kenya, 2008a, Nature Kenya, 2008b, Odhengo et al. (2012), GRAIN et al., 2014; and Ejolt, 2014. Both projects negatively affected community sources of livelihood, protection of the local rights of pastoralists and biodiversity. This led to community agitation that eventually affected the execution and life of both projects.

In Rwanda, the Kabuye Sugar Work, a 3,150 hectare project bought over by the Madhavani Group in Uganda in 1998, caused thousands of members of the affected local communities to lose their customary land rights and farmland for both food and cash crops (Richards, 2013). This new development, as Richards and other studies have reported, led to poor agricultural production on scarce land, poor diets and out-migration from the area among other forms of resistance.

Although Madagascar, according to Vahinnala Raharinira (2014), may be one of the poorest countries in the world, with 92% of the population living below the poverty line, it nonetheless has rich natural resources, biodiversity and fertile farmland which unfortunately have attracted investors of the oil, tourism and agribusiness sectors. The lack of transparency in contracts allocating land to foreign investors has rendered farmers landless. Foreign investors have been allocated huge

parcels of land most likely to orchestrate massive deforestation and decline in biodiversity.

Although the phenomenon of LSLA in Brazil is more from within, it is sometimes indirectly sponsored by foreign investors through credit and financing, as in the case of agribusiness. For example, agribusiness (especially soya bean production) in Brazil is largely controlled by foreign capital (Ferreira et al., 2014, in GRAIN et al., 2014). Government's reduction in credit has led Brazilian farmers to resort to foreign sponsorship through the provision of inputs (pesticides, fertilizers). Land has to be grabbed to create infrastructures (railways, highways and harbors) for the transportation and exportation of these products (Pedlowsky, 2012). Infrastructural expansion in Brazil has resulted in the loss of land, unemployment in rural areas, rural-urban migration, chemical contamination from intensive use of pesticides etc. (GRAIN et al, 2014). These negative impacts have resulted in conflicts with indigenous people, small farmers and fishermen due to changes in the use of land and natural resources and their related environmental impact.

Mutopo (2012), like other scholars, has highlighted the fact that LSLA in general and the expansion of biofuel in particular produce some of the following gender-differentiated effects: growth in cash/export crop production in which men dominate; deprivation of the poor of livelihood options and increased land poverty; threats to women's livelihood and their impoverishment when displaced; and land-related conflicts, to the detriment of women, especially widows. These effects create conflicts and the example of the tension generated by LSLA in Brazil as seen above is only part of a global phenomenon of local and international resistance against LSLAs.

### **2.3. Resistance to LSLAs**

The major issue with LSLAs has been the lack of accountability on the part of actors involved in the process which is manifested by the



absence of consultation, participation and transparency. This lack of accountability has resulted in different forms of resistance against LSLAs from various communities, mainly in the form of protest letters and petitions, demonstrations and public protests. Communities have also made use of media and communication, education and awareness raising, advocacy and also alliance with NGOs (Grain et al., 2014). Whatever form this resistance takes, it is generally grounded on grievances and demands that relate to environmental costs in monetary terms, conservation and ecological values, livelihood needs, indigenous rights, international conventions (Ramsar, ILO, 169) nationalism, sacred/spiritual values and also rights of nature (Grain et al., 2014), compensation and others. The reactions from the state and investors to the people's struggle have been similar: little negotiation and more intimidation, arrests and police brutality.

In the case of protest letters and petitions, Polack et al. (2013) observed that communities petitioning against land acquired by companies or state agencies are often in possession of legal or policy documents evidencing the non-compliance of investors with national and international law. The protest letters and petitions have also been useful in drawing support to the cause and raising awareness at national and international levels to the need to hold actors accountable (ibid, 2013).

For example, in Sierra Leone (Kortumahun), protest letters were written against SOCFIN Agricultural Company Limited (SAC) and sent to stakeholders, local administrators like the Senior Divisional Officer, senior government officials like the Minister of Agriculture, and the Vice President. Justice Foncier (2014) reported that these protest letters were against improper consultation, inadequate compensations, corruption and destruction of the livelihood of land owners among other things. Protest letters to higher authorities sometimes had some success, as in Senegal where the President's office responded to one by suspending one of the land contracts of a LSLA Company (Koopman, 2012; Polack et al., 2013). Polack et al. (2013) further note that

sometimes, these letters are accompanied by public demonstrations and violence.

Marches and rallies are other forms of demonstration and protest used by communities to resist some land deals. These are usually non-violent protests intended to raise awareness about citizens' discontent but which could become violent, usually due to lack of response or as a result of repression from the local government. Studies (Polack et al., 2013; Argwal and Ribot, 2012) have shown that protest demonstrations can become violent when citizens feel that their demands are ignored or unmet.

Another form of demonstration is public meetings. These are less confrontational and more tilted towards dialogue. As reported by Polack et al. (2013), these meetings to express local views are usually important because of the presence of the media to amplify local voices. However, despite the presence of government and investors, the turnout is usually very low. Nevertheless, affected communities, NGOs and civil society groups are able to communicate their grievances and messages through declarations and testimonials.

Like NGOs, the media stands out as an important stakeholder in protest against LSLAs. The media expose and document bad deals of LSLA between investors and governments and is also instrumental in communicating the conflicting voices of the local community and the investors (Polack et al. 2013; Teyssier et al., 2010). Media reports play a major role in increasing public awareness and open avenues for response. Many farmer associations and NGOs have websites through which stories (audiovisual material, press releases, and other forms of information) are communicated and data and investment contracts are exposed.

Education and awareness raising is also a way that non-state actors and civil society organizations use to create awareness and promote informed choices. This has been triggered by the increasing demand for

land by foreign investors and the livelihood vulnerability of the poor who depend on land for survival. These organizations are driven by the lack of capacity/resources of the affected communities to mobilize the law and other mechanisms to defend their land rights and the power asymmetry between communities and investors (Hall and Gayner, 2013). Examples of such civil society organizations are GRAIN and La Via Campesina (LVC). These CSOs do not only track land-based investments but document reports and leak contracts of land grabs on their websites (e.g. [www.farmlandgrap.org](http://www.farmlandgrap.org)). They also build the capacity of local farmers through education, facilitate networks and advance alternative projects like organic farming. They also mobilize affected farmers' organizations, rural workers and landless people to engage with TNCs and National governments (Hall et al., 2013).

The International Land Coalition (ILC) with its partners, Land Matrix, Oakland Institute, Oxfam and many others also have web-based portals to collect, systematize and publish information on commercial pressures on land to create awareness and promote informed choices and win-win situations. Some scholars, like Kerkvliet (2005), see everyday resistance as contributing to what is called 'Advocacy Politics'. This is a direct and concerted effort to encourage, censure and contest policies, authorities, systems and the manner in which resources are produced and distributed (Schneider, 2011). Advocacy politics tries to influence authorities and create public discourse over the issues of contention through different forms of resistance.

Resistance to LSLA is also done through alliance with NGOs in the investing countries. Success in the resistance to land grabs due to alliances with NGOs has been documented in Kenya, Ghana, Argentina, Madagascar, Peru, Uganda, Mozambique, Cameroon, Tanzania, Niger, Colombia and the Philippines (Grain et al., 2014). These alliances and organizations believe that campaigns against LSLA should be embedded within a global context/perspective rather than depending on the domestic power structures which are inadequate. The

language used expresses violation of the indigenous rights of victims and rights to prior consultation under Convention 169 of ILO when acquisition affects the livelihood of the indigenous population. The repression of the rights of indigenous communities to free, prior informed consent for projects on their land were key discourses in certain resistance cases, like in Peru and Argentina, both signatories to the ILO 169 Convention. In Kenya, Nature Kenya also used the human rights arguments based on the Kenyan new Constitution of 2010, which sides closely with local opposition discourses that view land grab as an abuse of rural people's rights (Smalley & Corbera, 2011; GRAIN et al., 2014).

The introduction of foreign capital investments, job creation, infrastructural development, agricultural modernization and other positive impacts of LSLA notwithstanding, much of the literature dwells on the negative impact of the phenomenon on the poor. Furthermore, the negative impact has generated various forms of resistance from affected communities and civil society organizations against both investors and governments facilitating the process. Generally, these impacts have been mostly analyzed from a gender-neutral standpoint. Rural populations are not always homogenous as some analyses sometimes portray them. These communities consist of men and women, boys and girls; all with different power relations and customary rights to land and other factors of production. The introduction of any innovations (positive or negative) to such a diverse community of people with different rights, powers and opportunity is likely to have a differential effect, just like the response of this population. This is the premise of the current study: interrogating the gender dimension of the process in Cameroon, Ghana Uganda.

To achieve this objective requires a suitable theoretical basis to interrogate the process and impact of LSLA from a gender perspective. We have used the concept of accountability and participation to raise

some important questions that can help provide a gender insight into the phenomenon of LSLA.

#### **2.4. Framing women and LSLA from the point of view of accountability and Rights**

Recent discourses on LSLAs revolve around the twin notions of accountability (IDRC, 2013), from the standpoint of rights and powers. As rights, accountability is interpreted as the substantive right and processes to make the state, local and traditional structures and their executives answerable (Pollack, 2012) to the rural population for actions that interfere with their rights to livelihood, clean environment and participation in the decision-making processes on their land. Cotula (2011) observes that accountability as a right has been almost non-existent in LSLAs. He examines the contractual issues for which public scrutiny is most needed and realizes that little or no consultation is done by the investors with the local population, especially women who are the most affected. The problem stems from the fact that formal land ownership is rare in the sub-Saharan African region (Sparks, 2012). Where customary tenures are functional, local resource users tend to think they have sufficient tenure security and so do not see the need to seek formal titles (Cotula, 2011). Customary rights are, however, not legally recognized in international transactions. That is how local communities are side-lined by both the state and investors in the LSLA process.

The rights-based approach goes a step further. Within this approach, women's land rights are seen as inalienable socio-economic rights without which civil and political rights cannot be readily exercised. Where women do not enjoy the primary right to land, there is bound to be aggravated poverty since rural women very much depend on land. States have the duty to protect and promote these rights by ensuring that investors involved in LSLAs do not infringe on the basic rights of its citizens as provided by local and international instruments. This is

why women's land rights are in consonance with Article 17 of the 1948 Universal Declaration of Human Rights, Article 2(2) of the 1966 International Covenant on Social and Economic Rights, and Articles 15 and 19 of the Protocol to the African Charter on Human and Peoples' Rights and on the Rights of Women in Africa. These socio-economic and cultural rights are important to maintain a decent quality of life, (<http://www.poverty.ontrial.org/humanrights.html>) and ought to be addressed or mainstreamed in all land deals no matter the scale or persons involved.

As power, accountability denotes mechanisms, skills, capacities to claim power or avenues to challenge failures or breaches of obligation (Pollack et al., 2012; Argawal et al., 2011). It thus follows firstly that the ignorance and the absence of relevant skills render most rural communities powerless and with no ability to challenge existing land laws and the unfair practices of investors. Secondly, affected communities are ill-equipped to challenge the intransigence of the institutions and officials who hold office for the state, and who would rather bend the rules to save the system than render account to the population, state institutions and laws that they are supposed to be serving. Pollack et al. (2012:13) argue that efforts by some civil society organizations to make the state and local government answerable to its citizens have been unsuccessful because sanctions and incentives to force compliance remain weak, and the citizenry scarcely gets redress.

In focusing on accountability as power, the study draws on the following views of Dunn and Gaventa (2007: 1) on accountability:

*'Accountability, rather than being a bureaucratic or legal term, is about improving democratic processes, challenging power and claiming citizenship. It is best claimed from below by citizens themselves, rather than only being provided by the state. Supporting citizen-led initiatives is important as they address accountability failures in very direct ways.'*

It is obvious that in our current globalized economic context, attempts by citizens to demand accountability will not simply be directed at state

and non-state actors in their nation state. In what Goetz and Jenkins (2002) refer to as a geographically expanded legal sphere, citizens may have to demand justice from a wide range of actors and institutions including donors, development agencies and transnational and multinational companies. Similarly, they can call on the resources of a wide network of like-minded citizens including transnational advocacy networks (Keck and Sikkink, 1998) and international nongovernmental organizations.

Our framing of accountability (of issues of power and rights) and right-based approach as outlined above shapes the nature of the study in two ways. First, we are interested in exploring the ways in which statutory and/or customary legal frameworks recognize and protect women's land rights and how these frameworks and the respective actors involved work together to create or undermine opportunities for accountability and inclusiveness in the acquisition of land on the continent. Our second interest is in understanding the strategies and instruments that women employ to ensure that development initiatives such as those proposed by advocates of LSLA are right-based and are able to guarantee greater accountability in order to create a gender-inclusive, win-win development. This right-based inclusive development is measured by interrogating variables such as the level of consultation, participation, representation and empowerment of women in the process on the one hand and the extent of transparency, collaboration and compensation to prevent the occurrence of protests, litigations, resistance, and conflicts. An appraisal of the presence or absence of institutions and avenues where citizens can exercise rights to demand accountability is also an important means to measure accountability and the extent to which the process of LSLA is right-based in the three countries.

## **Chapter 3**

# **Methodology**

The study ran for 36 months. It covered selected sites in three countries that were purposefully chosen to represent the diverse legal land regimes of sub-Saharan Africa. The three countries are Ghana, representing West Africa, Cameroon in Central Africa, and Uganda for East Africa.

### **3.1. Overview of study in the three countries**

As seen below, Cameroon, Ghana and Uganda largely share common social and economic indicators. All information reported on the three countries in this paragraph has been obtained from CIA World Factbook website as updated in January 2017. Cameroon has an estimated population of 24.3 million inhabitants in 2015 spread over a total land surface of 472,710 km<sup>2</sup>. Agriculture represents 21% of the GDP, coming behind the services (47.9) and the industrial sectors (30.8%) respectively. The majority (70%) of the labor force was in agriculture in 2000. More Cameroonians (54.4%) live in urban areas and according to 2000 estimates, 48% of the population live below the poverty line with an unemployment rate of 30% in 2001. Like Cameroon, the majority (54%) of Ghana's 24.3 million inhabitants spread over a total land surface of 238,533 km<sup>2</sup> live in urban areas according to 2015 estimates. The GDP real growth rate is 3.3% with the service sector representing 56% of GDP and agriculture just 19.5%. Agriculture employs 44% of the labor force in 2013. During that same year, 5.2% of the population was unemployed and 24.2% lived below the poverty line. Uganda's 34.3 million inhabitants are dominantly rural, with just 16% living in urban areas in 2015, even with an urbanization rate of 5.4%. Agricultural and service sectors respectively represent 24.5% and 54.4 % of the GDP whose real growth rate was 4.9% in 2016. Although 50% of the labor force is employed by the service sector, the country has an



unemployment rate of 9.4% in 2013, and 19.7% of the population still live below the poverty line.

Land in Ghana is held primarily by citizens and not the state. Customary norms pay little heed to women's rights to land. Majority of land in Cameroon is considered national land jointly managed by local state and traditional authorities through the Land Consultative Board which is not gender-sensitive. Over 80% of land in Uganda is held under customary tenure with different fortunes for women.

The problem of LSLAs is common in all the countries and provides a good basis for comparative analyses and highlighting the question of accountability and legitimacy in the context of sub-Saharan Africa. Two to three administrative areas were chosen in each of the three countries. The choice of localities selected is based on information obtained from a comprehensive literature review of local country contexts. For example, each of the selected communities must have experienced or is experiencing some levels of LSLAs for agricultural plantation with evidenced impact on women.

### **3.2. Research instruments**

Each country team prepared a series of questions following the research objectives prior to an international methodology workshop held in Buea, Cameroon in 2014. The workshop brought together all the principal investigators and their respective teams to discuss and harmonize these instruments. At the end of the workshop, five separate interview guides were designed and used for data collection. Generally, the questions focused on the state of land in affected areas, the participation of local communities in the process of land acquisitions, the level of local satisfaction vis-à-vis the compensation plan put in place by the companies, activities and challenges of NGOs in the area, reasons for community/women resistance, economic costs of the resistance, and efforts made by all stakeholders to establish confidence between investors and local communities. A focus group guide was

also designed and used during focus group discussions and dialogues. This instrument, unlike the interview guide was not the same for the three countries. It was locally designed by each country team so as to bring out the specificities of each country in the study.

### 3.3. Target population

The principal target respondents of the study were women and women leaders, community/traditional leaders, CSOs, policy makers, land management bodies and investors in LSLA. Each of the five interview guides was thus directed to the following groups:

#### *a) Government Authorities*

This consists of local representatives and public officials from affected areas in each country. Those targeted in this group included members of parliament, members of Land Commissions and Boards, representatives from the ministries in charge of land, women, and other local administrators and politicians. These actors are directly or indirectly implicated in land governance and in the process of large-scale land acquisitions (LSLAs).

#### *b). Traditional leaders.*

They are sometimes referred to as Chiefs and can play both customary and statutory roles in the governance and sale of land. In Cameroon for example, chiefs are statutory members of the Land Consultative Board, an organ that examines applications and makes recommendations regarding the issuance of land titles. This is not the case in Ghana.

#### *c) Women and local communities*

Women and local affected communities are the target population in the study. Their livelihoods depend on the land and are therefore the direct victims or beneficiaries of large-scale land transactions. Gender is central to the research problem, process, and outcomes. The research problem illuminates women's marginalization and interrogates existing power relations in LSLAs in the sub-region. The methodology adopted

actively seeks the participation of women, the amplification of their voices and profiling their agency and focusing on their existing and desired roles as change agents in a predominantly patriarchal society.

*d) Capitalist agro-companies*

Agro-companies and individuals are the main actors who acquire the land and include national, foreign, or multinational entities.

*e) NGOs and CSOs*

They consist of those non-governmental organizations and civil society organizations operating in the study areas and whose activities are related to land or resources on land. They could be local, national or foreign organizations.

### **3.4. Procedure for data collection**

A combination of different research techniques was used to achieve project research objectives. Three research teams consisting of researchers and research assistants each led by a principal investigator were constituted in each country. The work of each of the country teams was supported by a legal consultant. We began by carrying out an extensive literature review on women and large-scale land acquisitions within and outside the African continent to fully understand the issues. While the literature gave us a clue, interviews and dialogues with community leaders, elites, CSOs, land regulatory bodies and content analysis of laws, legal documents, land deal contracts and reports were able to indicate gender gaps in the rules and structures governing LSLAs in the three countries. These activities were executed by researchers assisted by hired research assistants using the various interview and focus group discussion guides that were developed prior to fieldwork.

*Data Collection*

The research team in each country conducted a reconnaissance trip to the research sites to identify and meet with key actors involved in LSLAs either as players, victims or beneficiaries. Most of the key actors met during these trips were invited to the inception workshops organized in each of the three countries. The workshops brought together selected researchers, policymakers, civil society advocates, chiefs/queen mothers and other relevant actors depending on the country specific context. Workshop participants brainstormed on the research problem, conceptual and empirical framework, and made contributions and validated the research questions. They also discussed how to disseminate and implement the findings of the research in their own advocacy work in order to improve accountability and legitimacy in LSLAs.

**3.4.1. Interviews and focus group discussions**

In-depth interviews were carried out with selected state and non-state actors involved in land transaction issues to get at issues of accountability and legitimacy and attempts to redress the situation. The number and choice of respondents for the in-depth interviews were informed by the literature and inception workshops. These interviews provide information that may not be available in written policy and other literature, including information on the role of comprador elite in these processes, the laws and policies in practice, land deals, the level of women/communities involvement, among others. It also provides insight into communities. Attempts were also made to reach out to economic investors involved in LSLAs, particularly in Cameroon. Information collected via interviews has been complemented by community dialogue and focus group discussions, and content analysis of relevant reports and policy documents.

Community dialogue and focus group discussions provided another form of data collection. These focus group discussions and dialogue with various groups of actors focused discussions on land transaction

agreements at the local level with the losers and beneficiaries as identified in the communities in the course of the research. Questions addressed during these focus group discussions include the particular role these groupings played/did not play in the land transactions, the tensions that arose in the course of the LSLA proceedings and especially the responses of women to all of these.

### **3.5. Data analysis**

The in-depth interviews and focus group discussions have been analyzed through thematic network analysis (Attride-Stirling 2001). In addition and with the help of legal consultants, a thorough analysis of the legal instruments governing LSLAs in each country was realized. The results of this analysis provided important useful information for knowledge building and awareness creation amongst women with respect to ensuring accountability and legitimacy.

### **3.6. Ethical Considerations**

For both respondents of the focus group discussions and interviews, we obtained written consent (or, in the case of non-literate respondents, verbal consent). We conveyed our commitment to maintaining their confidentiality and anonymity at all stages of the project. We also obtained administrative clearances from administrative and local authorities authorizing the study in the various localities in all the three participating countries prior to the research which served as cover to all participants during the study. Participants were free to withdraw from the study at any point when they no longer felt comfortable and were not required to answer questions that they did not want to answer.



# **Part II**

## Findings





## **Chapter 4**

# **Legal Framework for LSLAs in Cameroon, Ghana and Uganda**

One of the issues raised in the literature on LSLAs in Africa is that of weak land governance that creates opportunity for large chunks of land to be acquired without due process and benefits to affected populations especially women. An examination of the legal frameworks of the three countries shows that the question of land ownership received attention at the highest legal level (in the constitutions). However, the existence of ambiguity in some of the legal provisions creates room for confusion, complications and tension in their implementation and the exercise of land rights especially by women and the poor. Authorities and investors have exploited some of these ambiguities to exclude women and other vulnerable groups within the community from the process of LSLAs.

### **4.1. Legal framework for Large-scale land acquisition and women's land rights**

As in most countries in Africa, the land regimes in Uganda, Cameroon and Ghana have been impacted by colonial rule. Prior to European colonialization in these countries, ownership and use of land were customarily regulated. Land to the natives was not property capable of individual ownership or alienation. It was a spiritual link between the people and their ancestors and as an ancestral heritage beneficial to the whole community. Colonization almost completely changed the relation between the people and their land to the disadvantage of the poor and women. But the three countries had different colonial experiences although the impact of these experiences on land governance is largely similar.

#### 4.1.1. Evolution of land status in Cameroon, Ghana and Uganda

By 1902, the British passed the Crown Land Ordinance which turned all land in Uganda into Crown land. This Ordinance made customary land owners mere tenants and the Crown could make decisions on land without the consent of the original land owners. In Cameroon, the three different colonial administrations (German, British and the French) that ruled the country between 1884 and 1960 almost completely wiped out natives' land rights. The Germans issued the *German Kronland Act* of July 15<sup>th</sup>, 1896 by which 'all lands belonged to the empire except land for which there is ownership or other real rights, or land on which third parties have acquired occupancy rights through previous contracts with the imperial government'. The British introduced *Land and Native Rights Ordinance of Northern Nigeria* that was adopted by the Southern Cameroons, and declared that all land was native land and to be used for the common benefit of the people. Natives' rights were, however, subjected to the disposition and consent of the colonial governor who had the powers to grant certificates of occupancy for definite or indefinite terms. The French on their part, declared all 'unoccupied' land as *terres vacantes et sans maître* (vacant land without owners) and issued the *Land Tenure Decree of July 21<sup>st</sup> 1932* where natives were required to register their real property rights in the *livre foncier*. Colonization therefore marked the beginning of legal pluralization over land in Africa and consequent implications on land rights as manifested today.

After independence, the Public Land Acts of 1962 and 1969 placed the Ugandan High Commission as the custodian of all land. The Constitution of 1995 provides individuals with rights to land through Mailo, Customary, Leasehold and Freehold tenures. Institutions involved in land governance in Uganda are mostly judicial and quasi-judicial. Some of these institutions include the Magistrate Courts, the High Courts, Courts of Appeal and the Supreme Court.

The re-unification of the British and French Cameroons after independence also called for the unification of laws. Article 22 of the Federal Constitution of 1972 empowers the President of Cameroon to pass certain laws on land in lieu of the sovereign parliament. The 1974 three Land Ordinances and three Decrees in 1976 were the first post-independence land reforms. After these reforms, all lands except State and private titled lands were converted into national land as per Sect. 14 and 15 of Ordinance No. 74-1 of 6<sup>th</sup> July 1974. All unregistered or national land came under the control of the State and joint management of the State and local chiefs. Private land titles per Sect. 1(1) of Decree No. 76/165/76 could only be possible through the complicated process of land registration, particularly for rural women who customarily do not own land.

As seen from the examples of Uganda and Cameroon, colonization changed the relationship between the natives and their land with the introduction of land communization and registration. It took away the natives' land rights and made them mere tenants and occupiers. Instead of the Chiefs, Colonial authorities took total control over land management, making major decisions as to how and who has access to what amount of land. This led to the colonial companies owning more land than African natives because these companies could afford and obtain land titles, unlike the natives. The centralization of land management during colonial times eventually influences post-colonial land reforms in sub-Saharan Africa. Centralization of land management partly accounted for the partial or total exclusion of indigenous communities and women in the process of LSLA in Cameroon, Ghana and Uganda.

A number of land reforms have followed the independence of African countries. New laws have been passed to replace or reinforce colonial land laws. In some cases, both statutes and customs co-exist leading to complications in accountability. Unlike Cameroon and Uganda, Ghana operates a dual system of land administration, one that Lavigne Deville

(2010) describes as a system of legal pluralism. The acquisition and disposal of various land rights are managed by statutory and customary land tenure systems. While the statutory system operates under a set of written rules and statutes, the customary system is operated by the unwritten rules of custom and tradition. Both systems are recognized and guaranteed by the 1992 Constitution. The statutory system covers 20% of the land in the country while the majority of land transactions are governed by customary norms. Under customary norms, stool/skin heads as well as heads of families hold land in trust for the members of the community at large. However, as land has increasingly become commoditized, the traditional rules and regulations governing land acquisition no longer hold.

Yaro (2013) argues that the moral foundations of rural societies have been weakened such that the custodians of the land are no longer interested in holding land in trust for community members. Instead, they seek to enter into land transactions for their personal enrichment and often to the detriment of the vulnerable in society.

#### **4.2. Formal and informal rules in land management**

The existence of both customary and statutory land ownership can be said to account for formal and informal rules in land acquisition. Formal rules are common with state institutions and include processes leading to land registration while informality exists in most customary land deals.

**Table 2:** Level of protection of women by formal instruments in the three countries

<b>Instruments</b>	<b>Uganda</b>	<b>Ghana</b>	<b>Cameroon</b>
Land ownership	80% under customary tenure	80% customary and 20% public	Majority of land is national, and the rest held by state and private individuals
Constitution	-Art 237 land belongs to the citizens of Uganda	Art 257(1) All public land is vested in the President on behalf of and in trust for the people of Ghana	The preamble of the 1996 constitution guarantees the rights of all to own property
Laws	-Constitution of 1995 all in Uganda belongs to the people. -By virtue of Article 237 (1) and (3) the citizens of Uganda can claim rights to land under the reinstated tenures: Mailo, customary, leasehold, and freehold	-1962 Administration of land Act	The three 1974 Land Ordinances and 1976 Decrees regulating land are all gender-neutral -Ordinance 74-1 of July 6 <sup>th</sup> 1974 provides that the State guarantees all natural persons and corporate bodies with property the right to freely enjoy and dispose of them
Institution	-The Land District Board deal with the allocation of public lands but private land is left out to the disadvantage of women.	-The Lands Commission	-the Land Consultative and Site Board Commissions women deals with allocations on national and public lands but women are not statutorily represented.
Particular provisions that protect women Land Rights	- Sec 39 of 1998 land Act requires spouse consent for transactions on family land. - Section 28 protects women against decision on land that affects women access and ownership of land	-Art 17, of the 1992 constitution prohibit gender discrimination and protect equal opportunity, Art. 18 guarantee the right of property either alone or in association with others, and -Art. 22 protects the property rights of spouses,	There are no specific provisions targeting women.

The constitutions of the three countries under study define land ownership differently. In Uganda, the Constitution is clear and provides in Article 237 (1) that “Land in Uganda belongs to the citizens of Uganda and shall be vested in them in accordance with the land tenure systems provided for in this Constitution”. While land belongs to the people in Uganda, it is not the case in Ghana, where “all public lands in Ghana are vested in the President on behalf of and in trust for, the people of Ghana” (Art. 257 (1)). This constitutional clarity on land ownership observed for Uganda and Ghana is not obvious for, Cameroon where there is no specific provision on land ownership in the 1996 Constitution. However, the right to property ownership is mentioned in the Preamble of the Constitution where it states that – “ownership shall mean the right guaranteed to every person by law to use, enjoy and dispose of property. No person shall be deprived thereof, save for public purposes and subject to the payment of compensation under conditions determined by law”. This generic property protection also applies to Uganda (see Art. 26) as well as the 20% of land under statutory law in Ghana (Kotey, 1995).

Beyond the Constitutional ownership rights to land provided for, ownership and access to land is defined by different tenure systems: mailo, customary, leasehold and freehold tenure systems for Uganda, public and private land for Ghana, and national, state and private land for Cameroon. Private lands in Ghana are vested in the stools/skins, families and individuals, and in the case of family lands, in the head of the family (*Okyere v. Byeadjei*, 1961). Minerals found on private or family lands, however, belong to the state of Ghana, as per Art. 25(1) (6) and 258(1) (a) of the Constitution. Section 31 of the 1962 Administration of Land Act defines stool land to include all lands controlled by any person for the benefit of the subjects or members of the stool, clan, company or community as the case may be other than land vested in the President. A person may acquire a freehold interest, leasehold interest or a customary grant on land but for foreigners, unless the lease is not more than 50 years at a time, per Art. 266(1) (2) and (4). An

individual can also obtain a customary grant from his grantor. Sections 1 and 2 of the Ghanaian Conveyancing Decree 1973 requires that a contract for the transfer of interest in land would confer title in a purchaser, same ought to be made in writing, and also that the deed is registered at the appropriate registry. The purchaser may privately deal with his land by either selling or gifting away except the president authorizes its occupation and use under an applicable enactment like a statutory way lease or state land Act of 1962.

The question of how individuals or corporate persons can own land in Cameroon is specified in the three 1974 Land Ordinances and 1976 Decrees of application which have been largely modified. Lands in Cameroon are leased following 3 main procedures. The Short term leases over national lands by the Divisional Officer as stated in Sect. (1) of Decree No. 76/166/76. Allocation for a lease of less than 50 hectares is done by the Minister in charge of lands, and by the President of the Republic for any grant above 50 hectares. Concession over national lands is permitted on unexploited national land for development projects in line with government policy after a temporary grant by the Minister of Land as per Sect. 4-8 of Decree No 76/166/76. Individual citizens can also claim ownership over a parcel of national land, provided land has been developed and titled through the complex and laborious process of land registration.

#### **4.2.1. The protection of women land rights by formal rules**

In principle, women's land rights have been highlighted in the legal frameworks governing land on the sub-continent. This, however, is not to the same extent in all the countries. All three countries have gender friendly provisions in their land laws and national constitutions that protect women. For example, Sect. 39 of the Ugandan Land Act of 1998 requires the prior written consent of both spouses in transactions involving family holdings/land. Section 28 prohibits decisions affecting customary land that deny women access to ownership, occupation or use of any land, as well as decisions that impose conditions violating

constitutional provisions protecting women. However, the absence of land tribunals and authoritative guidelines still give room for abuse of powers and existing rules over land. Similarly, statutory laws (Art. 17, 18, 22 and 36 of the 1992 Constitution) give women in Ghana access to land in their own rights and on some occasions, the courts have used the provisions of these statutes to rule in favor of women in cases where customary law had been applied to their detriment.

Decisions also taken by courts in Cameroon have gone a long way to restore women's land rights that have suffered prejudices from customary laws as in the case of the *Estate of Chibikom (Zamcho Florence Lum v. Chibikom Peter Fru & Others)*. The Bamenda Court of Appeal, in revoking letters of administration granted to a married daughter of the deceased who died intestate in Cameroon, stated that:

*"It is common ground that the respondent at all times material to these proceedings was and is still a married woman. She belongs to a family different from the one in which she was born. She cannot inherit from her father in accordance with customary law, and a fortiori she cannot be her father's next of kin. The respondent was doubtless aware of her disability when she applied to the Mankon Customary Court for a declaration of temporary next of kin."*

On appeal of this decision, the Supreme Court that quashed and annulled the decision of the lower court, pronounced as follows:

*"Not only was the decision of their learned lordships based on sex discrimination in gross violation of the...contents of the preamble of the constitution, but it was in total misrepresentation of section 27 of the Southern Cameroon High Court Law which ensures the observance of the native law and custom only on the sole condition that it is neither repugnant to natural justice, equity and good conscience nor incompatible either directly or by implication with any law in force in the Republic, that they applied the so-called principle of native law and custom which sustained a discrimination based on the sex of individuals."*



Fairly good as these laws may be on paper, their implementation often generates conflict and tension, all to the disadvantage of women and other vulnerable groups. Complications arise from the existence of both statutory and customary laws governing the same piece of land. The judgment of the Supreme Court shows gender awareness and evolution in the application of laws in Cameroon.

Sometimes, even where land rights may be clearly defined by statutes, these rights become confusing in implementation when faced with customary provisions. In Cameroon, for example, all customary land was converted into national land 10-15 years after the 1974 Land Ordinances, except where the customary rights owners had obtained titles over the land. Many customary communities did not follow suit because they could not understand why they needed titles on their ancestral land, in addition to the financial and other challenges of acquiring these titles. Unfortunately, these periods have elapsed and these communities before the law no longer have customary rights over their land.

Similarly, although the Land Act in Uganda requires the consent of spouses prior to any land transaction (to protect women), the means of enforcement is not guaranteed. Even the issuance of the certificate of customary ownership that is partly meant to protect women on the land ends up in favor of men considered customarily as heads of households. The result of all these and others is tension and conflict between governments, new occupants, title owners and others claiming different types of rights over the same piece of land.

### **4.3. Customary land ownership**

Customary land ownership is very important in all three countries although they enjoyed different statutes before the law. For example, while customary rights are not readily recognized by law in Cameroon, they enjoy constitutional protection in Uganda and Ghana. The dominant system of land governance in Uganda is the informal,

operating through customary tenure, which is lawful under the Ugandan Constitution (Article 237 3(a) through (h)). Rights to land and sanctions on land are allocated following local customs. People acquire rights to customary land through: purchase, inheritance, borrowing/renting and gift inter-vivos. Once land has been allocated, rights over this land are guaranteed by the elders, considered custodians of the custom.

In the north region, customary land tenure systems account for about 80% of land ownership of Uganda alone (Ministry of Lands 2006). Under the Acholi traditional land management system, land is owned by the Clan (and sub-clans). Land was seen as a collective asset and no clan or men as individuals would be allowed to sell it. Within this system, women acquired land rights through marriage, and by way of gift and inheritance. Women are allowed to use the land for cultivation of crops and access common property resources such as grazing, hunting, water, or non-timber forest products on designated community land as long as they are part of that clan.

Land reforms of 1974 and 1976 in Cameroon as stated earlier converted all land except state land and private titled lands into national land. It ignored the land rights of local communities and native population. What is known today as national land was originally customary land which village elders and chiefs held in trust for their population. Customary land includes settled village land and forest; although the state has tended to define forest land not under exploitation as vacant land. With the introduction of the land title as the sole proof of owning private lands in Cameroon (Decree No. 76/165/76) customary communities are not viewed as owners but occupiers of the land. Thus, the conceptualization of land as "vacant land" gives the state rights as guardians to withdraw land from the indigenes of which women are often the main users. The land withdrawn is made available to whosoever, without being liable to account to the customary communities including the women. But "vacant land" does not really

exist per customary practices; as such, customary land transactions continue to exist even against statutes.

The non-recognition of customary land tenure in Cameroon has complicated the situation of the rural woman. Many of them became landless and dispossessed of the farming spaces which they previously controlled as part of the commons available for communal exploitation under custom. Generally, most land used by women is untitled and under customary tenancy. But their long use does not attribute them ownership even if a women can prove occupation through a long history and ancestry. This therefore denies the woman any substantial claim to the land. Similarly, customary arrangement limits women's land rights in terms of ownership and control in Uganda, although they may have guaranteed access and users' rights which enable them to survive with their families. Such access rights are lost when land becomes the private property of an investor. Increasingly, there is the declining authority of traditional chiefs and elders under customary tenure in both countries. Traditional leaders no longer set the rules and regulations governing land due to the growing individualization of landed property. Moreover, in the new wave of LSLAs, the issue of collective rights as general pattern for land management has drastically been undermined by individual rights taking prominence observed in some of the cases studied.

The case of Ghana is slightly different. Women in Ghana have access to land through two avenues; lineage in the matrilineal communities of the Ashanti, Eastern, Brong Ahafo, and Central Regions, and through their husbands in the patrilineal communities in the other parts of the country. The main problem is with verbal agreements between landlords and female farmers who lease land because the verbal agreements they make with these landlords can be broken at will. Landlords could break these verbal understandings as soon as they find other potential tenants with better offers.

What is clear from the legal contexts of the three countries is that the land rights of affected communities have been exacerbated by the growth of commercial interests over land. All the three case studies demonstrate vividly that women's land rights which were insecure under 'normal circumstances' have become even more so as the custodians of land (chiefs, family heads, and even the state) have been drawn into a neoliberal, capitalist economy, the tenets of which are at cross purposes with the communitarian philosophy of traditional African communities. The current trends in LSLAs only come to illuminate the fragile nature of rights and governance systems in Africa. A situation complicated by the existence of many and sometimes confusing legal and institutional frameworks that loosely define the rights of communities to their ancestral land. For example, there are 166 laws regulating land in Ghana, four systems of land tenure governance in Uganda, (Customary, Leasehold, Freehold and the Public land) that exist coherently, and two (customary and statutory) land practices in Cameroon. These many laws and different tenure systems are too complex for rural women and communities to grasp. Multiple and competing land tenure systems create room for conflicts and unorthodox practices in LSLAs to the benefit of multinational companies seeking cheap deals.

It is obvious that the real issue with LSLAs is that the question of community land rights not having been adequately resolved both by the legal frameworks and other institutions governing land. Community land rights are closely linked to their demand for accountability. Thus in Cameroon, although the land law has outlawed customary land ownership, it remains popular among the people who see themselves as legitimate owners of land and continue to exchange this land under custom. Many communities cannot even afford the process of land registration required by law. Legitimacy is not seen by government and plantation companies as reasons enough to engage in consultations or negotiations with these local communities and women

who though on the land do not have titles over the land they exploit. That is why local administration and elites claimed that the land sold to companies is 'vacant' and did not displace anyone. This is contrary to field evidence that shows that farmers, hunters, gatherers, fishermen and others have been displaced both physically and from their livelihoods.

Land governance in instances of LSLA in Uganda requires that persons with genuine cases of land taken in pursuit for LSLA projects are identified and that the owners of land should be consulted and engaged in all processes leading to the acquisition. Sections 34(1), 31(2) and 29(2) safeguard and promote the consultation of persons claiming interest on land before the land is sold or transferred. Proof of ownership of land is determinant in identifying who has the right to give out land to investors. Where communities or women cannot provide such proof, their ability to demand accountability like in Cameroon is unlikely before the law, no matter how legitimate their claims could be. It is also obvious that land transactions in Ghana, because of implementation of land laws, show the gap between policy formulation and implementation. As a result, chiefs and family heads continue to wield a lot of power when it comes to land transactions, leaving out the ordinary people and women.

*What similarities exist between formal and informal instruments governing land ownership and women's rights in Cameroon, Ghana and Uganda?*

### **SIMILARITIES**

- 1.** In all three countries land regimes are managed by land laws/ policies enacted in the immediate post-independence years (Cameroon, 1974; Ghana, 1992 (constitution); and Uganda, 1995 (Constitution) and 1998 (Land Act) and informed by colonial land laws and policies (private land ownership, land registration) which define ownership and related rights. These laws defined and categorized land (Cameroon: state, national, private; Uganda: mailo, Customary, leasehold and freehold; Ghana: statutory and customary tenure system).
- 2.** There is unflinching effort to blend both statutory and customary laws and practices in the management of public and private land ownership rights informed by previous colonial land laws and traditional customary practices; an endeavor which has remained quite challenging and contentious in the discourse of LSLA.
- 3.** The very rudiments underpinning the structuring of land regimes are patriarchal, male-centered and dominated. Both formal and informal instruments have provided important provisions to safeguard women's rights to land in compliance with international instruments on women's rights and fundamental freedoms. Ironically, women have gradually lost their rights to land enjoyed during the pre-colonial period.
- 4.** There is the increasing individualization and commoditization of land, a breakaway from the pre-colonial regimes where land was communally owned; a shared property jointly managed within the clan and kinship/family structure.

### **SOME DIFFERENCES**

While shared commonalities can be seen between formal and informal instruments governing land ownership and women's rights, there however exist some differences. Some land legislations define and categorize land differently as well as accompanying ownership rights to land. While in Uganda, the Land Law act of 1998 incorporated gender-sensitive provisions, in Cameroon, the Land Ordinance Act (1974) and Ghana constitution (1992) remain gender neutral, with no direct reference to, but implied implication on gender equality with reference to protection and promotion of women's land rights.

#### 4.4. Women and compensation

Statutory rules in Cameroon, Ghana and Uganda make provisions for compensation for right owner over the owners' piece of land that is expropriated or destroyed for whatever reason. In Cameroon, claims over expropriation are handled by Law No. 85/09 of 4<sup>th</sup> July 1985 which allows the head of the Land Expropriation Commission to assess these claims. Compensation on national land (land without a valid title) is limited to the crops on the land or development carried out on it and not on the value of the land itself. It follows that rural women, many of whom have just users rights, can only get minimum compensation when evicted. The Constitution of Uganda in Art. 26(2) recognizes acquisition of property by government for public use and interest.

However, the rights of citizens to compensation are protected under Art. 26(2b) which makes provision for: (i) prompt payment of fair and adequate compensation, prior to the taking of possession of the property; and (ii) right of access to a court of law by any person who has an interest or right over the property.

The formal rules governing state land leave little room for accountability to all citizens who have traditional rights to the land. These rules have been largely influenced by the colonial practices of the Germans, the British and the French in the case of Cameroun and the British in the case of Uganda. These two countries provide an opportunity to interrogate the extent to which differences in formal rules governing land transactions have implications for women's land rights. Different colonial experiences, for example the influence of British law over the majority of land in Uganda and the smaller portion of land in Ghana also have different impacts on formal and informal processes of land governance.

The legal framework demonstrates gaps resulting from the fact that some of the laws in these countries may not be adapted to the real situation. Those who claim land rights may for example, be different

from those on the land. This phenomenon particularly disfavors women in a dominantly patriarchal context where gender-neutral laws eventually become gender-biased during implementation. Although the extent of discrimination and neglect might not be the same for the three countries, the effects on women are nevertheless similar. That is why women are described in the process mostly as losers when compared to other actors and their interest for reasons of their involvement. The situation can with gender-sensitive legislations that enforce documented claims to land within and outside marriage, guarantee equal rights for women to inherit and bequeath land, ensure co-ownership of registered land by spouses, and ensure women's participation in land administration structures (Kachika, 2010).



## **Chapter 5**

# **Actors Involved in the Process of LSLAs**

Different actors with diverse interests and roles are involved in the process of large-scale land acquisitions. They can be grouped into those:

- acquiring or seeking land,
- giving out or selling the land
- facilitating the process of acquisition,
- critical of the process, and
- losing in the process.

We describe in this section the various actors identified in the three case studies in order to understand their various roles in the process of LSLAs.

### **5.1. The role of the state**

Governments play a triple role: as sellers, acquirers and facilitators of the process of LSLAs. The extent of each of these roles differs from country to country depending on each government's objectives and the laws in place. As a seller of the land to the investors, the Cameroon government entered into contract with Herakles Farms, an American-based company whose local subsidiary is Sith Global Sustainable Oil Cameroon (SG-SOC) to sell 73,086 hectares of forest and farmland in the South West Region of Cameroon. Again, about 4,500 hectares of land belonging to the defunct state-owned company *Organisation Camerounaise de la Banane*, (OCB), were sold by the state of Cameroon to *Plantations du Haut Penja* (PHP) in Mungo in the Littoral Region. The Uganda Investment Authority (UIA), a government agency established by the Investment Code Act of 1991, concluded a 99-year lease in 2000 to establish an agricultural project. UIA in 2000 also sold land to

Neumann Gruppe GmbH (NG) under its subsidiary company Kaweri Coffee Plantation Ltd. (Kaweri). Like the UIA in Uganda, the Side Board Commission (SBC) and the LCB are intermediary structures used by the Cameroon government in the process. Over 80% of land in Ghana is owned by families and explains why the government was not directly involved in the sale of the land in the cases studied in Ghana.

The motives for selling land by government in the cases studied above for both Cameroon and Uganda were largely for socio-economic reasons. In Cameroon, interviews with public officials reveal that some of the reasons why government grants land to investors are to promote foreign investments in anticipation of economic and social development through taxes, creation of jobs, infrastructural development. Government thus sees companies seeking land through the lens of investment, and not as grabbers. In most cases, as seen with the land granted to SG-SOC in N'dian and Kupe Muanenguba Divisions in Cameroon, government tries to entice the investor by granting favorable terms of trade. In the example just cited, SG-SOC was offered very low prices per hectare, tax exemptions/exoneration, lots of legal protection in the 2009 Convention signed between government and the company. In the same light, a cultural leader in Uganda affirmed that the Madhvani project would bring development to the region. He notes, "even now we still have the book detailing the proposed project that we were given by Madhvani showing the investments and how our people would benefit and we thought the project was a good one that would benefit them."

Government sometimes can acquire large quantities of land from communities and individuals. Such acquisition is provided for by law. For example, Art. 20 (2) of the Ghanaian constitution provides for compulsory acquisition of property by the state for public interest. However, Art. 20 (3) and (5) respectively insist that resettlement and other forms of compensation should be paid in return, and the land can only be used for the purpose for which it was acquired. Compulsory

acquisition in Uganda is a constitutional provision under Art. 26 (2), and like in Ghana, such acquisition should be for public use and those affected compensated. In Cameroon, such expropriation is guided by Law No. 80-21 of 14 July 1980 as modified by Law No. 85/009 of July 1985 and Decree of application No. 87/18 72 of December 1987 for national interest and also emphasizes compensation for victims. Thus either way, the state is an important agent in the acquisition of land.

The problem is in the implementation of laws relating to state expropriation, especially when it comes to compensation of victims. The government of Uganda through the Uganda Investment Authority, UIA, purchased 2,512 ha of land on Buwekula Block 99 Plot 1 from the private mailo owner in 2000. But it was the poor implementation of the provisions of the compensation clauses that led to the Mubende land crisis that is described later in this study. Similarly, the acquisition of land by the government of Cameroon in Mungo to create the OCB plantation for security reasons after independence raises the question of compensation and popular discontentment.

Other reasons observed to explain government acquisition of land in the case studies in Cameroon were to raise capital contributions (shares) to companies. PALMO and CDC have acquired part of national land after independence in accordance with Sect. 12 of Decree No. 76/167 of 27<sup>th</sup> April 1976 in the two regions.

As facilitator of the process of LSLAs the state plays various roles through the various land structures or commissions created by law in the various countries. In Cameroon, the Senior Divisional Officer (SDO) who is the state appointed representative in each administrative Division heads the Side Board Commission responsible for State land that was sold to PHP in Mungo. The Divisional Officer (DO) -the government's representative at sub Divisional levels - is head of the Land Consultative Board that is supposed to review all requests, transactions and claims on national land. The President of the republic

must by decree, approve all land deals above 50 hectares in Cameroon, meaning government is involved at the highest level. The government also plays a key role in the Uganda Land Commission and the Communal Land Management Association. Members of the Land Commissions and regional land commissions in Ghana are appointed by the minister, making the government directly involved in the affairs of citizens who choose to sell land. Families that take advantage of the Customary Land Secretariats prevent multiple sales of land and ensure that the land sales are undertaken in accordance with the provisions of the law.

Government is also there to impose and enforce compliance with land deals facing opposition from communities. This is the case of the Keweri Coffee Plantation, in the Mubende District of Uganda where in 2001 the German Neumann Kaffe Gruppe (NKG) evicted over 400 families (2,041 inhabitants) from their land with the help of armed personnel. An analysis of community resistance against LSLAs further brings out government role in favor of companies taking over community land with or without due process. In Cameroon for example, the Convention between the State and Herakles Farms in 2009 granted the company many privileges and even placed the Convention above all national laws. To facilitate the process, the government used forces against local manifestation as recorded in Ndian and Kupe Muanenguba, Cameroon, where youths manifesting against what they termed 'illegal activities' of SG-SOC were dispersed. Activists against LSLAs have been threatened, intimidated or even arrested by state security forces in Ndian, Cameroon and Mubende, Uganda where the leaders in both cases were detained.

## **5.2. Economic operators and companies**

All companies identified in the three Countries were foreign, multinational or national companies with foreign ties.

**Table 3:** Diversity of origin of companies involved in LSLA considered in the study

	<b>Companies operating in the study countries</b>	<b>Country of origin</b>	<b>Year</b>	<b>Quantity of land (in hec)</b>	<b>Activity</b>
1	Madhivani group (Uganda)		2006	40000	
2	The Kaweri Coffee Plantation Ltd, (Uganda)	Germany	2001	2,512	Coffee
3	Golden Exotics Limited, (Ghana)	French (multinational)	2003	3028	bananas and pineapples
4	Golden Exotics (Ghana)	French	2003	1200	banana
5	Bomart Farms(Ghana)	National	1985	2700	Pineapples
6	Sithe Global Sustainable Oil Cameroon (SG-SOC)	USA	2009	19000	Palms
7	Plantations du Haut Penja (PHP) (Cameroon)	France	1986	6500	Banana
8	PAMOL Plantations (Cameroon)	State	1994	41,000	Palms
9	Cameroon Development Corporation (Cameroon)	State	1947	142,000	Palms, rubber bananas,

As indicated on Table 3, the companies have acquired land of different quantities for similar agro-activities. Although a few date back to colonial times, a majority of the companies are recent. Even those that acquired land long ago have acquired recent land for expansion. The principal objective of these companies is profit-making, although they may realize a few development projects and create jobs in the course of their activities.

### 5.3. Traditional leaders or chiefs

Chiefs play different roles in LSLAs in Africa. Their role in each country depends on how chiefs are defined by both statutes and customs in land tenure. The impact of chiefs was largely felt in Cameroon, for example, where they are by law considered as custodians of national land, the principal type of land acquired for agro-plantations. Deliberations of the LCB are not binding without the local chiefs and two notables as they are in principle seen to represent the interest of their respective communities where the land is to be acquired. Field evidence, however, shows the complexity of their role in Cameroon. In some instances, these chiefs were bribed to support the process. In other instances, they were sidelined and not consulted, and yet in other cases, they sold village land to economic operators without consultations with their subjects. The case of the land acquired by SG-SOC in Ndian and Kupe Muanenguba illustrate all the above three contexts.

In 2009, the Ministry of Economy, Planning and Regional Development granted land to Herakles Farms (SG-SOC) in Ndian and Kupe Muanenguba Divisions without consulting the chiefs of the local areas. The chiefs resisted, making it difficult for the implementation of the Convention on the ground. The companies proceeded to lobby and use other methods to convince the chiefs to give up the land. Those Chiefs that were against the project were either bribed or promised juicy positions of board members or employment in the company or local development, compromised and wrote favorably in support of the deal, while some others rejected the deal outright. One of the chiefs in Kupe Muanenguba, for example, saw SG-SOC as a development agent and described them in these words:

*We in this village found the coming of SG-SOC [the investor] as a rare event. We had always dreamt of what can bring real development to the area. We saw our forest though the source of our livelihood has not been able to transform our economy from traditional to modern and move our*

*community together with 2035 agenda of emergence. Our village was outside projects that could bring it into visibility in line with vision 2035. I was captivated by SG-SOCs vision and I saw in them real partners in (sic) development. My forest was in my eye's mind transformed to development...*

Other chiefs entered into informal negotiations and signed Memorandums of Understanding (MoUs) without consulting their subjects, for example, in Bima, Fabe, and Lipenja II villages in Ndian. The absence of consultations was sometimes to the detriment of not just the community but the chiefs. They were often neither aware of the exact acreage of land they had under their care, nor skilled at negotiation to ensure that they entered into the best deals for themselves and their communities. In one case investigated in Ghana, the desire on the part of the family head to derive the maximum benefit of a land deal for himself led to a situation where with little knowledge about the land market and/or the workings of neoliberal capitalism, he signed a contract with a company that was of little benefit to himself and his family at large. He had not even ensured that the right amount of land had been ceded over to the firm. Instead of asking his family members in the know to contract a surveyor for the purposes of delineating and mapping out the exact boundaries of the family land, he had relied on the company to provide a surveyor for that purpose. Years later, as real estate companies also interested in the land came to him seeking access to his land, he discovered that his family owned much more than the firm had made him understand that they owned.

Again, in the Eastern Region of Ghana, when the land rights of community members were being determined for compensation purposes, the firm in question had utilized remote sensing technology to map out the area and had videotaped the process of land demarcations and compensation. The custodians of the land had no such documentation of the process that had taken place. Similarly, in Cameroun, those chiefs who claimed to give out their land because the

company requesting the land had a Convention with government or a Presidential Decree, did not have copies of these documents to support their claims or show evidence of having seen the said documents.

In the rare cases where the family head or chief conferred with others, as observed in one community in Ghana, this was limited to a council of elders, all of whom were male and completely sidelined female family/community members. When asked in one Ghanaian community investigated if women had been part of the discussions about the land deal, the Chief and elders simply laughed, completely amused by the supposed preposterousness of the question. Two elderly females shared their sentiments regarding this process in the following manner: "No, we were not involved." and "I wish they had involved us."

When one examines the role of chiefs and elites vis-à-vis the question of accountability and/or women's land rights, a number of issues are obvious. The fact that some of the chiefs did not consult the masses or insist on prior environmental impact assessment before the deal raises questions of accountability to their communities and the law, and also the question of legitimacy. Some of the MoUs signed had no accountability clauses or credible structures to hold investors on their promises. A case in point is in Penja and Njombe, Mungo (Cameroon) where a chief complained that the village plea for electricity and water from one of the companies that took over their land was ignored for over 20 years. In the absence of local credible structures for accountability, affected villages and communities do not have the necessary resources to take giant multi-national companies to court or force compliance, except to resort to resistance as discussed in the later chapters.

A good number of chiefs did not also consult with women or women's groups in the process of LSLAs in both Cameroon and Ghana. Chiefs rarely included female representation during formal or informal negotiations with agro-companies. When interviewed about this



exclusion, a few chiefs in Cameroon argued that the women were reluctant to join them although women in the villages of Makongo and Bima in Ndian, held a contrary view; they were advised by their chiefs to wait for the outcome of the negotiations. Where women's representation was considered mandatory (as part of paper work from companies), those selected by chiefs to represent women were passive. Representation is substantive where they were chosen by fellow women or were female political elites. The result is that women's issues and concerns were absent from the land deals. Women ended up as losers since they are the ones directly affected by scarcity of farm land and by water pollution, food scarcity and price hikes, hunger, inadequate compensation, and many other socio-economic inconveniences as a result of losing land.

There are a few explanations as to why chiefs or family heads will rarely consult with women or other community members in land negotiation. Some of the claims from the population are related to Chiefs manifesting their powers and to show that they were in control. Others felt insecure, afraid that the elites could hijack the process and rob them of the financial fallouts. The dominant views also point to ignorance and greed of the chiefs who wanted all benefits to themselves and a few allies. Although female chiefs are extremely rare, this gender gap could have been taken care of through consultation and inclusion of women in negotiation. But because this was not largely the case, the negative impact of LSLAs on women was evident.

Some of the resistance that has erupted against LSLA has been because of the unilateral sale of land which is supposed to be held in trust for the people by chiefs. This phenomenon was found to be common in Cameroon, leading government to step up the arrest and detention of some of these chiefs in the South West Region. The same sale of land is reported in Ghana by Yaro (2013), where traditional leaders have taken upon themselves to sell land meant for future generations.

## 5.4 Private individuals and private families

The complex land tenure systems existing in the three countries make room for private individuals to be actively involved in LSLAs as sellers and buyers. As sellers, several families with claims to land have resold land that was initially sold to migrants or foreign companies, and the latter has at times ended up paying for the same land more than once in Ghana. Landowners would rather prefer better deals with foreign companies, particularly where no written contracts existed with internal migrants. Some of those selling family land in Ghana fall into the trap of capitalist operators, particularly where they are without good knowledge of the market dynamics for land or the exact quantities of land surveyed by investors after land deals. Individuals having titled land have sold land to PHP in Mungo Division in Cameroon. Private landowners in Ghana sell land to companies with corporate social responsibility (CSR) clauses that may be oral. They expect these companies to keep their word on CSR (provision of health posts, schools, improved toilets, roads, and electricity and/or water supply schemes) just as communities giving land expect from companies. Private mailo owners in Uganda who had claimed ownership rights over the land taken over by the Kaweri Coffee plantation did not have the opportunity to exercise the rights to sell the land when it was acquired by the UIA. Similar ownership rights are exercised in Cameroon by political elites and chiefs who use their powers to arbitrarily occupy extensive portions of village (now national) land. But contrary to the mailo private owners in Uganda, these elites make sure that the land is immediately registered and titled in their name when they still wield power. They are later able to resell the land to foreign companies as their private land.

Findings suggest that large-scale land acquisition takes place on all categories of land: Public and private in the three countries. In Cameroon, it occurs on all three categories of Land: state (part of PHP banana plantation), national (SG-SOC oil palm plantations) and private (section of PHP banana plantation). The same is true for Uganda (The Kaweri Coffee farm- Mailo private land; Amuru Sugar works, public land) and Ghana (Golden Exotics Limited, public and private) which have the public and private land regimes.

### **5.5. Non-governmental Organizations (NGOs) and Civil Society Organizations (CSOs)**

The provisions of Sect. 16.2 of the FAO guidelines (2012) on LSLAs that require states to ensure that the planning and process for expropriation are transparent and participatory are often neglected. Although NGOs and CSOs do not buy or sell land in the process of LSLAs, they act as watchdogs in the process. They have raised important questions involving procedural and distributive justice in the process of LSLAs in Ghana, Cameroon and Uganda, and their efforts at addressing some of these questions have produced mixed outcomes.

Local and foreign NGOs in Cameroon opposed the initial sale of 73,086 hectares of forest and farmland to SG-SOC on legal and environmental grounds. Their main argument was that not only will the project displace about 14,000 people who are mostly small-scale female farmers in Ndian and Kupe Manenguba divisions, but also that due process of consultations and informed consent of affected communities were neglected. Local NGOs and organizations like Nature Cameroon and SEFE led the process of writing protest letters to the President of Cameroon, and issued press releases condemning the activities of the investor and how they undermined the national forest legislation, environment, nature protection and sustainable development efforts of the country. SEFE insisted that granting land for plantation agriculture in such an area that lies within four very important protected areas was

going to be detrimental to the environment. The NGO dragged SG-SOC to court in 2011 and obtained a prohibitory injunction suspending the company's activities until promises to local communities were fulfilled. It also filed another suit against the Minister of Environment, Nature Protection and Sustainable Development at the Supreme Court complaining about the award of an ESIA certificate to SG-SOC which did not conform to law. This case was admissible and the Minister called them to answer the claims. NGOs also fought so that the initial annual rent of 250FCFA per hectare of land per year granted SG-SOC was increased significantly to 3325FCFA.

The presence of PHP in Njombe, Cameroon, was accompanied by the abusive use of pesticides by some farmers or workers who had access to or used it without following the directions. Other women used poorly recycled pesticide containers from the company to either sell palm oil or fetch drinking water. In addition, women used to recycle the blue plastic bags used by PHP in the protection of bananas as market bags for food items. The plastic bags are found to contain chemicals and if not well treated can be very dangerous to human health. These situations posed pollution and health risks to the community from which women as care providers would suffer most. Against this backdrop of likely environmental and health risks from the activities of PHP, the *Comité de Gestion Environnementale et Sociale* (COGES), a local CSO, engaged with PHP and affected communities in sensitization, education and awareness-raising programs and workshops on the health risks associated with poorly recycled cans, bottles and plastics from PHP. The collaboration has led to an agreement with PHP for the latter to reduce the amount of pesticides used on the plantation, treat its chemical waste, and regularly carry out laboratory tests of water samples from surrounding streams to ensure quality. PHP even promised to keep its plantations 50 meters away from human habitation in order to avoid the polluting effects of air spray by helicopters and mosquitoes from the villagers; but some of these understandings are not respected or implemented.

Unlike Cameroon where there is significant visibility of NGOs contesting LSLAs on behalf of the local communities, resistance against LSLAs in Uganda was mostly recorded from local community members, especially those who were directly affected by LSLA projects. A group of individuals as representatives of the community filed a case with the High Court (Gulu) against the Amuru District Land Board arguing that the Board had no mandate for giving away their land (which was under customary tenure) to the Madhivani Group of companies in Uganda. The judgment upheld the fact that the land in question was public land, hence in favor of the Amuru District Land Board. The community was not deterred by these formal court processes and maintained their resistance, which led to the arrest of some people.

Large-scale land acquisitions are carried out with the complicity of the government and sometimes in disregard of existing statutes and procedures as laid down by law to protect the interests of powerful multinational companies. A number of public actions in Cameroon violated legal land instruments. The government allegedly backed the acquisition by the Madhivani Group of companies of land in the Amuru District, which is disputed by the community in Uganda. In both cases, the lack of effective governance and accountability on the part of government to the local communities has also led to the erosion of traditional institutions and customary land rights in favor of private ownership. The review of actors in LSLA thus reveals that each of the principal actors (government, investors and chiefs) has specific objectives to achieve. These objectives are generally not in consonance with the interest of the population. Due process and popular consultations, if embarked upon by profit oriented and self-seeking actors, are likely to challenge and retard than advance the attainment of their selfish interests and objectives. Generally, the objectives did not promote women's concerns and thus explained why they were left out and are joining the community to resist displacement implication.

## **5.6. Exclusion of women and affected communities from the process**

This is part of what critiques call procedural injustices. Affected communities, particularly women, were generally left out of the process of consultation, negotiations, or sale of private or public land to economic operators. Women were left out because they are deemed not to have substantive rights to land. The process thus neglects the customary and users' rights of women and other occupants of land, leaving them out of the consultation process. Women's exclusion was largely recorded in Cameroon and Uganda with customary land tenure systems where women have just user rights.

In Cameroon, the SG-SOC oil palm project in Ndian and Kupe Muanenguba, acquired land through a top-bottom approach without possibilities for any formal or informal discussions with the indigenous people. The process was neither participatory nor consultative and those involved were mostly government officials, and a few chiefs and elites. The final outcome that did not have women's voices also failed to include the interests of women in the final land deal. In the few instances where women have been involved (as in the case of informative meetings), their participation has been passive.

In Nguti, Ndian and Mungo, formal land negotiations did not also involve women because they are not represented in institutions such as the Land Consultative Board, responsible for land deals on national land. Men are however represented either as chiefs, notables or in other capacities. Since men control both formal and informal institutions regulating land, it was common place for them to take decisions during LSLAs. One key informant from the Divisional Delegate for Land Tenure in Mungo remarked that negotiations for acquisitions at the local level are done by local chiefs on behalf of the indigenes. This informant did not only confirm that women were not part of the process, but also saw nothing wrong with excluding them. "...I have never seen where women are consulted or try to intervene in land

matters. Personally, I think that women should not be part of land deals..." he concluded. Some villagers in Mundemba and Nguti, reported that Chiefs/notables were represented in negotiations, others, however claimed that some women and youths on few occasions accompanied men and chiefs/notables in meetings where issues concerning LSLAs were raised.

Women interviewed however, had contrary views to those expressed by chiefs and men above. In Ndian (Toko, Bima) and Talangaye (Kupe Muanenguba), the women complained that they were not even aware of these meetings and public or traditional authorities did not invite them to consultation talks with potential buyers. The few titled women particularly in Talangaye who attended some of the meetings were passive and without a voice, "... this meeting was not to get my opinion on the land deal but to get the share of food and drinks reserved for women offered by the company that took our land..." explained Mary from Nguti sub Division who attended one of the meetings. Other women have resigned as one female interviewee observes that "... we the women of Kuma Bima let our husbands and Chief speak for us ..."

The Madhvani in Uganda did not see the need for direct consultations with the community since these communities to them were not the owners of the land. An official from the Madhvani Group expressed the view that: "There is no need for consulting the community because they do not own the land. We have nothing to do with the people. It is the government who should consult them". This partly explains why the community described the consultation process that was believed to have taken place as non-participatory and ad-hoc with hardly any substantive community engagement. In Cameroon, consultation was top-down, targeting the traditional leadership in belief that they are the custodians of customary lands and their decision would be adhered to by their subjects.

The situation in Ghana is slightly different from that of Cameroon and Uganda, partly because there the customary land tenure system is part

and parcel of land arrangements. Family heads in Ghana are expected to consult and discuss the land deal with the rest of the family and stool or skin chiefs with the larger community. Neither family heads nor chiefs were very good at divulging the details of a land transaction with their constituents. Where family heads or chiefs conferred with his council of elders as in the Eastern Region, all of them were male, completely sidelined female family/community members. While two elderly females interviewed expressed concern regarding the exclusion of women from the process like "...no, we were not involved..." and "...I wish they had involved us...", other male chiefs and elders found inquiries into why women were ignored, amusing. In fact, among the five communities where the research was carried out in Ghana, land transaction involving a female family head was mentioned only once.

It is worth noting that the mere fact of consultation having taken place does not on its own guarantee that the affected community would agree to the investment. For example, one of the KIs who was part of the study-tour to Kakira Sugar factory in 2007 attested that when they were consulted, they refused to give their land. Many of the villages in Nguti sub-Division, Cameroon also rejected the business idea from the companies but were eventually forced onto them by the government and elites.

It is important to note that different members of the community have different needs and priorities and therefore the need for their individual voices in community-driven projects through broad-based consultations. It is very likely that the absence of women's voices and agency in the process of LSLAs accounts for the fact that rural women suffered more than any other group from new multi-million investment projects which in the broader sense ignored the needs, concerns and priorities of women in their majority. Ibrahim and Alkire (2007) examined the issue from a broader perspective, arguing that the absence of agency and lack of participation negatively affects human development and capacity and this is central to the feminization of



poverty. Since women are not part of decision-making concerning land deals, they have suffered displacements from their farmlands and traditional livelihood activities, raising questions about the fairness of compensation and considerations for their livelihood choices and alternatives that are presented by large-scale land deals.

There are nevertheless few instances where efforts have been made by some investors to consult with women. PAMOL and PHP managements in Cameroon cited occasions where both companies organized grassroots sensitization meetings involving men, women and youths in villages, prior to the acquisition of their land. The Corporate Affairs Manager of one of the firms we studied in the Eastern Region of Ghana held that communities were engaged in all their transactions and all community members apprised of the negotiations. They did so by organizing community durbars and requesting the signatures of all family members on the lands they leased. But such initiatives are few, rare and not even institutionalized into the process by the companies concerned. It thus raises questions as to the success of this token action in ensuring women representation, community participation and the impact of the participation, especially when they are not educated on what is taking place.

A majority of communities are therefore unable to take a clear stance for or against LSLAs. In some of the villages, the stand and loyalty of these communities have shifted over time. This is because they do not fully understand the process and the gains and losses of LSLA to their communities. Little education is provided to this population on LSLAs to enable them make informed decisions. Rather, their ability to take a stance is distorted by bribery and corruption as reported in south-western Cameroon. Education is required for LSLAs to be transparent. Where both education and informed consent are absent, local communities have been coerced into signing contracts that lease their land to companies without a full legal understanding of the terms and implications of their actions. For example, illiterate chiefs were coerced

into signing away lands in favor of a foreign biofuel investment (Nyari 2008) in the Northern Region of Ghana, and community leaders in Nguti sub Division of Cameroon signed Memorandums of Understanding (MoUs) to lease their land to the American-owned SG-SOC Company without accurate knowledge of the quantity of land involved. Furthermore, when land demarcation was jointly carried out with the local population, investors unilaterally took more land than officially ceded, thereby igniting more tension and resistance from the population.

Local resistances against LSLAs in the cases observed are based on social, economic and environmental injustices. Studies elsewhere have reported that social injustice and indigenous rights arguments have also been used against LSLA in Africa and South America. The organization Nature Kenya attacked the European Union biofuel policies in their campaign materials against LSLA with questions such as "...Why feed a car in Europe when hunger at home is still a reality? (GRAIN et al., 2014: 66). This was targeted against the Mumias project as a biofuel project despite the fact that it intended producing primarily sugar and then ethanol as a bi-product. The people of Boyo and Santa in north-western Cameroon rose against the Ndawara Tea Estate on similar grounds of why lose farming land to production of tea which they do not consume? (Fonjong et al., 2016). LSLAs thus have to be able to balance their economic motives with local aspirations.

*To what extents are women involved in consultation and negotiation of land deals during LSLA processes in Cameroon, Ghana and Uganda?*

It is evident that women had multiple level representation and participation in the different LSLA arrangements and in some cases no representation and participation at all. In Cameroon, Uganda and Ghana, women were seldom consulted and not represented in consultations and negotiations leading to the conclusion of LSLA deals, the only exception being the Amuru Sugar Works case, where they were included in the high level delegation holding talks with the President of Uganda. For the most part, and in cases where there was any such representation, it was for convenience and sheer window dressing and even so they were under-represented. This is however in contradiction to Section 16.2 of the FAO guideline (2012) on LSLA which provides that states should ensure that the planning and process of expropriation are transparent and participatory.

## **Chapter 6**

# **Implications of LSLAs on Women**

Questions are being raised about the extent to which women and affected communities have benefited or are benefiting from agro-investments resulting from LSLAs. The benefits are better appreciated in the literature by the views expressed by both the pessimists and optimists. While the degree of the effects may be different across gender and communities within the three countries under consideration, the sectors and areas affected by LSLAs are the same. Effectiveness of LSLA according to Behrman, Meinzen-Dick, Quisumbing (2011) requires an analysis of the pre-existing situation, consultation, negotiation, contract development, implementation and compensation. These six steps were largely ignored, producing controversial outcomes on women in the domain of farming, food production, livelihood, environment, employment, compensation and the provision of social amenities, among others.

### **6.1. Positive effects**

LSLA optimists' focal argument is that employment, agricultural modernisation, capital flow and development accrue from scale capital investments made possible through LSLA. There is no doubt that LSLA investments have generated local employment opportunities but whether women have been able to benefit qualitatively and quantitatively from these opportunities is something else. A majority of respondents in Ghana cited the provision of employment as a positive impact of LSLAs. In Obaampeohia, one community member noted: "Employment opportunities have been made available for our children and our siblings such that they work there and earn monthly salaries." Linked to employment on these farms was the increase in discretionary

income which improved the sales of traders in the community as well. The Kaweri Coffee Plantation reported that its investment was able to create over 200 permanent jobs of all kinds in the case of Uganda ([www.kaweri.com](http://www.kaweri.com)). In Cameroon women gained employment but mostly as unskilled laborers doing the lowly paid nibble jobs while men dominated in management, as seen in the case of CDC in Table 4 below.

**Table 4:** Representation of Women in plantation jobs in CDC Malende, Cameroon

Job created	Total Number	Number of Men	Number of Women	
			Numbers	%
Rubber tappers	100	60	40	40
Field supervisors	13	77	6	46
Weeders	140	56	84	84
Foremen	14	10	4	40
<b>Total</b>	<b>267</b>	<b>133</b>	<b>134</b>	<b>50.8</b>

Table 4 illustrates that although women make up about 51% of those employed in this Estate, they are poorly represented as field supervisors or foremen compared to men. Majority of the women (84%) are employed as weeders, some of whom are migrants. A similar trend was reported by the natives in Kupe Manenguba and Ndian Divisions, where few women had gained employment with SG-SOC.

The creation of rural employment is often highlighted as a strong argument in favor of LSLAs. In 2011 Socfin Agricultural Company (SAC), a subsidiary of the Belgian-based Socfin group based in Sierra Leone was estimated to create over 2400 new jobs over 12,000 hectares of plantation land. This and other reasons made President Ernest Koroma of Sierra Leone brandish large-scale investments in agriculture as a success story (justicefoncier, 2014). Ansoms (2010) noted that even though the Kabuye Sugar plantation in Rwanda displaced many farmers, it nonetheless created jobs for youth, men and women.

Agro-companies have brought in social amenities (electricity, schools, health facilities, feeder roads, and others) into the plantation areas which did not exist before. But these amenities are primarily meant to serve the interest of the companies and not the communities as they will make the public to believe. Roads are constructed to evacuate the produce of companies, electricity to run their factories and schools and hospitals for plantation workers. Local communities could however, access these services at minimal cost as was the case in Mungo and Ndian Divisions in Cameroon. Few outgrower schemes were reported in Ndian, Cameroon although they were still too young for their impact to be evaluated.

## 6.2. Negative effects

A comparative analysis of the positive gains and negative effects of the LSLA indicates affected communities suffered more losses than gains. For instance, women's rights to land were compromised, leading to the loss of ownership rights in both formal and informal contexts. In Cameroon, like in Ghana and Uganda, women became landless as access to land for food crop cultivation was lost. In some cases women accessed land in distant communities which increased their distances to their farmlands and inadvertently increased both their productive and reproductive burden (Increased distance to farmlands, fetch fuel wood and water etc.)

Rural economy is largely agrarian and land is the main factor of production. Any action or decision on land will impact negatively or positively on the rural economy and the livelihoods of rural development. Land taken over for large-scale investment is not always vacant as land acquirers and some public authorities will make believe. This implies that LSLAs come along with economic and physical displacements, with their attendant effects on those on the land, particularly rural women. Rural women and women in general, more than men, will always bear the brunt because of their triple role

(reproductive, productive and community roles) which are intricately linked to land.

### **6.2.1. Loss of Farmland and threats to food security**

An immediate impact on women of the Kaweeri Coffee Plantation in Uganda for example was the abrupt loss of access to land for food crop farmers. Prior to the acquisition, women were involved in growing food to meet family needs and the surplus sold to cater for day-to-day cash demands. The women are now faced with a problem of inadequate food for themselves and families. While the study did not conduct a survey to ascertain the magnitude of the impact on food quantity, quality and the number of meals eaten, other studies (Action Aid, 2008) carried out in the region show that since 2002, food security has been compromised. The quality of food among the evicted households is compromised and a majority of these households suffered from malnutrition or were undernourished, especially the children and the elderly.

In Tenbibiam, Ghana, one of the interviewees said “what is painful to us is that since they collected the land from us, we don’t have any land to cultivate in order to get food to eat. We are just roaming about without any job.” Almost all members of sampled communities in Cameroon had the same negative opinion of the prevailing situation after losing their land. The President of Ndian Women’s Forum observed that “...women are not happy at all... our land has been taken.....we no longer have farmland to grow food to feed our children... Food is scarce today and the women are very worried ...” The Deputy Mayor of Mundemba Council, Cameroon, explained that there was tension boiling within his municipality following the loss of farmland as there is not enough land to keep pace with the ever growing population. The absence of farmland had similar effects on income and food security in Pendamboko (Moungo) where natives complained that they barely had land to plant any crop as CDC plantations had occupied all the land. The question of food security was

seen to be very serious in villages like in Moungo where food crisis has given rise to hikes in prices.

Judging from the various ramifications mentioned above, one is tempted to conclude that either the land acquired by agro-companies is not vacant or there exists no viable alternative left behind to these rural women when their land is taken away by plantation agriculture.

### **6.2.2. Physical and economic displacement**

While economic displacement was reported in all the three countries, physical displacement took place mostly in Uganda. The Kaweri Coffee Plantation led to the eviction of about 2,041 people from 392 families in 2001 without alternatives being created to support their survival and no compensation for the loss. Bitter memories of the forceful and inhumane eviction process was still fresh in the minds of the evicted population vented during focus group discussions. A number of women would break out in tears while narrating their story. The eviction was considered the most brutal of the times. One account of the eviction was as follows:

*I was at home where I used to stay and I heard that the vehicle for the army had arrived. I was standing in my compound and the vehicle full of soldiers came and they asked me, "why are you standing here?" And what are you doing? I asked them where they wanted me to go, they told me to start packing my things. I had a house with iron sheets. They told me to start packing all my property. They said, we want you to even burn your kitchen. I refused. They told me if we find you here, we are going to treat you according to the government orders, that moment they walked and reached at my son's home... demolished his house with a grader and damaged all the iron sheets. It was the soldiers who were doing all those things. They went to my neighbor, cut all the banana plantations and took away his chicken so when they came back with their vehicle full of matooke (I don't understand this word? Is it mattock you mean?) they told me you woman you have not burnt your kitchen?.*



*I told them to leave me and that I was going to burn it. I am very sure it is the government that evicted us”.*

No adequate shelter was provided and the evicted people had to camp in the nearby forest. Unfortunately, the evictions happened during a rainy season, thereby exposing the people to rain. Exposure to hygiene-related diseases increased due to lack of latrines and basic sanitation facilities. Open defecation was common and as a result diseases like cholera and dysentery began to spread. Pneumonia also became common, often claiming the young and the elderly. The other implication of sharing a room with children is that it undermines their privacy, most especially if they are married.

All the cases examined in Cameroon and Ghana did not present such massive evictions for resettlement although such were observed with other projects in the South and East Regions of Cameroon during field mapping and literature review. There were, however, a few localities like Fabe, Ndian where the people displaced from farmland were leaving to urban areas in search of food and other opportunities. Similar complaints were recorded from the women of Tenbibiam, Ghana, where because of loss of livelihoods there was out-migration, leading to decrease in trading activities.

Displacement from economic activities and livelihood as a result of LSLAs was common in all the three countries. Men and women in Cameroon (Ndian and Kupe Manenguba) were displaced from the collection of fuel wood and of non-timber forest products (NTFPs) which is one of their main economic activities from the forest. Some of our interviewees explained that they were displaced from the exploitation and marketing of local NTFPs such as *bush mango*, *eru*, *Moabi oil*, *njansa*, *cashew nuts*, etc., a major source of income. Freudenthal et al. (2012) reported that Biopalma, company that acquired some 200,000 hectares of land in South Region of Cameroon, restricted the local population, majority of whom are farmers, hunters

and gatherers whose livelihoods depended on the exploitation of NTFPs from the forest. Women were also displaced from the cultivation of traditional food crops and men from their cocoa farms in Moungo, Kupe Manengouba, and to a lesser extent in Ndian divisions.

Population displacement from these economic ventures also led to the loss of their economic power. Women had to travel over long distances and across plantations to look for them and to fetch fuelwood. In the Kaweri coffee estate in Uganda, old coffee plants are cut and remains uncollected. Women complained that they were unable to collect this firewood because they would be charged with trespass. In Cameroon, they are forced to walk long distances to look for firewood which forest degradation made scarce. Studies by Mutopo, 2012; Ngowi et al., 2012; and Wegerif et al., 2013 in Zimbabwe, Zambia, Ghana and Tanzania reveal similar experiences for women. According to these studies, women in these countries were unable to sustain their homes because they have been fenced out of the forest where they harvested NTFPs. LSLA therefore can be a potential source of economic misery when not properly executed.



**Fig. 2:** Women have to walk across plantations and over long distances to fetch wood in Ndian, Cameroon

### 6.3. Environmental degradation and women

Activities of plantations taking over traditional activities on the land have environmental consequences. The indiscriminate use of chemical and pesticide pollute water sources and the atmosphere during spraying. Poor disposal of solid waste from plantations and factories expose nearby people to possible hazards. Deforestation has effects on biodiversity, watershed, and the exploitation of NTFPs. It creates unsafe and unhealthy environment for communities around plantations in all the three countries studied. In Cameroon for example, the population highlighted the problem of massive use of pesticides and poor management of infected plastic waste by PHP in the Mungo Division. Women were using these poorly recycled plastic wrappings to package food or containers from which chemicals have been removed to fetch drinking water. The spraying of banana plantations by PHP in Mungo and new palm nurseries by SG-SOG and PAMOL polluted adjoining streams and rivers used by the population for drinking and bathing in Ndian. The chemicals sprayed by these companies also presented a risk to women's vegetable farms around the plantations. The result of the use of poorly recycled plastic bags, chemical containers, and the pollution of drinking and bathing sources is the existence of dermatological and other health-related problems in these communities. Although further medical studies are needed to ascertain the extent to which these plantation-related activities affected the health of the population, interviews with environmental NGOs in the area corroborated the perceptions from the population.

Each hectare of land transformed into Plantation is a hectare of forest with its biodiversity destroyed. While the study could not quantify the environmental effect (Donald, 2004), studies in Malaysia revealed that 80-100 species of fauna of tropical forest could not survive the huge amount of chemical pesticides emitted to spray palms. Werf et al. (2009) highlighted the amount of carbon dioxide emission in Latin America and sub-Saharan Africa resulting from deforestation. Biodiversity loss

may not directly affect women but the pollution of water by run-off resulting from deforestation does have an effect, especially on women's triple roles.

Prior to the evictions as a result of the Kaweri Coffee Plantation in Bubeden, Uganda, the community had access to protected water points which guaranteed access to safe water. However, this was lost during evictions. By 2008, the number of people accessing unprotected water sources increased from 26.5% to 61.1% due to the evictions (Action Aid study in 2008). This increases the risk of waterborne and water-related diseases and loss of productive time due to morbidity and distance covered to look for water. According to Kaweri, water pipes were passed in the two neighboring villages to supply the people with free fresh drinking water supplied once a week. The other villages affected by the evictions remained deprived.

Although the direct effects of pollution of water sources, use of poorly recycled chemical containers or waste disposal from the factories are not gender-discriminatory, their consequences are gendered. As caregivers, women suffer the consequences of water pollution squarely. Women of the Tenbibiam community in Ghana had to figure out alternative sources of water supply and the ill health brought on by pollution and mosquitoes saddled them with the responsibilities of nursing family members back to health.

While women did not participate in decisions leading to these negative outcomes, they are central to managing the health and other social effects thereof on their families. Similar criticisms against the negative effects of large-scale plantations were also expressed by workers in these plantations. A participant during one of the focus group discussions in Tenbibiam, Ghana, for example, shared the following story: 'Two of my children were working there. One of them worked with chemicals and as a result he developed rashes all over his body. We took him to hospital and he was diagnosed....we were told that the

rashes were caused by the chemicals. We informed the management about it, but they did nothing.’

#### 6.4. Failed promises

Pessimists of LSLAs generally hold that LSLAs bring benefits that accrue first to affected communities and then the entire country. Promises of direct employment, off-farm jobs, economic diversity, social amenities (roads, schools, hospitals, water, electricity, etc.), and scholarship, among many often propagated to accompany LSLAs are sometimes elusive. The Deputy Mayor of Mundemba, Ndian, Cameroon describes these promises as “...full of deceit...” Even where a few of these amenities were realized by the CDC, PAMOL and PHP, in Cameroon, women and the local communities remain passive beneficiaries and not the primary targets. Electricity, water, hospitals, schools, etc. were provided in the plantation areas for plantation workers from where communities could access these services. They could not however, decide where and when these amenities were to be provided. For example, the Chief of Mbomengwandang, (Moungo Division) expressed his disdain in these words:

*“... the PHP factory close by my village had electricity since 1974 whereas the village next door only got electricity 2005 and water in 2012. This was not the result of a planned intervention from PHP but a private arrangement with my village after several demands. PHP provides only what it wants and not what the villages would have wanted and needed. In fact, sometimes they don’t give willingly and only give because they want to forestall protests from the villages”.*

Even promises by investors to adhere to basic environmental standards were largely ignored. SG-SOC committed itself that their “plantations will follow the highest environmental and social standards, complying fully with Roundtable on Sustainable Palm Oil Principles and Criteria (RSPO) (Press Release, 2011) but these promises never added up.

**Table 5:** Examples of some failed promises made by investors across studied localities in Cameroon

Division/villages	Promises made	Investors	Level of Realization
<b>NDIAN</b>			
Ekondo Nene	Scholarships, hospitals and bridges	SG-SOC	None
kumaBima	Build community halls, provide pipe-borne water and a hospital for the community	PAMOL	None
Moungo Souza	-Build schools, construct roads and provide pipe-borne water	-PHP	None
Njombe-Penja	-Employments, construct schools, provide health care facilities, and good roads.	PHP	All realized
<b>KUPE MANENGUBA</b>			
-Ekita	Farm to market roads	SG-SOC	None
Talangye	Provide training center for skills development, -Create credit schemes -Empower the community on large-scale farming, processing, and marketing	SG-SOC	Only an account has been created for the village with no funds in it yet.

In Uganda, the following promises were also made to the communities that were affected by the Kaweri Coffee in Uganda: 1) their relocation to a new location at Block 168 in Kambuye; 2) survey of their land; 3) valuation of property and compensation according to what each individual owned; 4) exemption from graduated tax for 2 years; 5) clearing of new land by the landlord for planting (since it was a forest); 6) the Government of Uganda to provide relief food for at least 6 months till the next harvest; and 7) construct facilities (school, health facility, access road). Unfortunately, none of them were fulfilled. The relocation of the affected communities never happened and survey was not undertaken. Even the time

communicated in the meeting was not adhered to as evictions took place from 17<sup>th</sup>-24<sup>th</sup> August 2001.

The seven days given to the community to vacate the land were not adequate to enable them assemble their property. Section 2 of the Uganda Land Amendment Act 2000 states that "a lawful or bona fide occupant shall not be evicted from registered land except upon an order of eviction issued by a court and only for non-payment of the annual nominal ground rent." However, the ground for the eviction of the tenants was not failure to pay ground rent but to give way for an investment project which automatically would make them eligible for compensation. The investor, nevertheless, believes that since the land was not directly acquired by Kaweeri Coffee plantation, the responsibility for compensation was with the owner of the land. According to this, the seller was solely responsible for compensation payments.

The failure of these promises shows bad faith on the part of investors and government that was supposed to ensure fulfillment. It leads to a break of trust even though investors do not see it as such. Investors, sometimes because of their powerful financial position and other privileges accorded to them by host countries, simply ignore the population, exercising the rule of the powerful over the powerless. The population may have constitutional and legitimate rights over the land, but lack the power to demand accountability at the time these rights are trampled upon by investors and government in the "rule of the most powerful" over the powerless.

### **6.5. Inadequate compensation**

The socio-economic and environmental effects of LSLAs on affected communities and women in particular reveal the limits of LSLAs. It shows that LSLA as it is currently operating does not benefit the

majority. Women suffer the most because although they are those on the land and their livelihood is closely linked to it, they are still not seen as rights owners to be consulted or compensated. When they are compensated, the compensation is limited only to the crops on the land and does not extend to the land itself. Even when compensation is calculated on the value of development on the land and not the land itself, payment is not prompt. This notwithstanding, women, men and the entire community thus face similar challenges that have triggered various struggles against LSLA in their search for procedural and redistributive justice.

LSLA projects in Cameroon, Ghana and Uganda may have produced some developmental effects, yet the socio-economic and environmental concerns raised highlight the fragility of some of the so-called 'gains' from the process because a good number of LSLA projects are not designed from the premise that men and women have different needs and different livelihood patterns and women will be impacted disproportionately due to their reproductive, productive and community roles. The effects on women as noted from the various case studies corroborate Krumova (2011) that victims of LSLA are mostly small-scale female farmers forced out of their farmlands to make room for monoculture and the use of pesticide and herbicide which present high risks to water and land, and exacerbate environmental pollution. Although these displaced farmers may have gained employment in plantations, the working conditions (wages and hours of work) are generally poor (Graham et al., 2010). These and other concerns against LSLA as evidenced from the study and other research instead aggravates food insecurity and poverty, fueling the debate that large-scale land acquisition is more risky than beneficial (Kachika, 2010). This is particularly true where the acquisition of land did not consider the economic profile of the women of the area prior to its negotiation.



## **Chapter 7**

# Local Resistance against Large-scale Land Acquisitions

The story of large-scale land acquisition in Cameroon, Ghana and Uganda in relation to women is one of lost farmlands, sources of livelihood, access to NTFPs and other medicinal plants. To this list of losses, LSLAs have added the day-to-day burden of rural women as agro-plantations have not only created very limited employment opportunities for women but have also brought about pollution, scarcity in water and equal scarcity in fuel wood. The new scenario requires more time and material resources from women with attendant health risks and coping/survival measures. These conditions which threatened rural survival have been complicated by the near-total exclusion of women and community voices from the land acquisition processes. Thus, with fewer alternative sources of survival in the face of growing poverty, deprivation, and near hopelessness, affected populations, especially women, are generally disenchanted. They have tended to vent their disillusionment on past, current and future large-scale land deals through various forms of resistance in an effort to demand accountability and compensation.

Various strategies from communities, women, and civil society organizations are implemented in both formal and informal avenues to demand accountability. Grain et al., (2014) note that the various forms of resistance employed by affected communities contain a number of objectives that include raising public awareness, pushing for a renegotiation of the terms of land deals, increasing local benefits, fair compensation, and deals cancellation. Specific arguments and languages such as environmental costs in monetary terms, conservations and ecological values, livelihood needs, indigenous

rights, international conventions (Ramsar, ILO 169), nationalism etc., sacred/spiritual values and also rights of nature (Grain et al, 2014) are often used during resistance. But as discussed below, one cannot separate the successes of resistance from the legal context and the political leverages of the mobilizers. We present the various groups involved, and forms and outcomes of some of the resistance on LSLAs in the three countries. It should however be noted that this resistance is not limited to the demand for women's land rights, but is rather a general struggle for women and community survival and against corruption, inadequate compensation, exclusion and loss of livelihood. Although the objectives are common, the strategies are slightly different across Cameroon, Ghana and Uganda.

### **7.1. Violence response and civil disobedience**

When local negotiations failed to protect their land from being taken away by agro-companies, some communities resorted to civil disobedience or violence in the defense of its land rights. Women in Uganda participated by preparing spears, bows, arrows and machetes to attack, blocking access roads whenever there was a planned government activity and throwing stones at government vehicles. Some communities also ostracized their members in support of the Madhivani project and in some rare cases assaulted them. For example, in Omee area, when Oketta was coming to survey his land in 2008, the women especially attacked those supporting Oketta and Gen Oketta himself was attacked by the women.

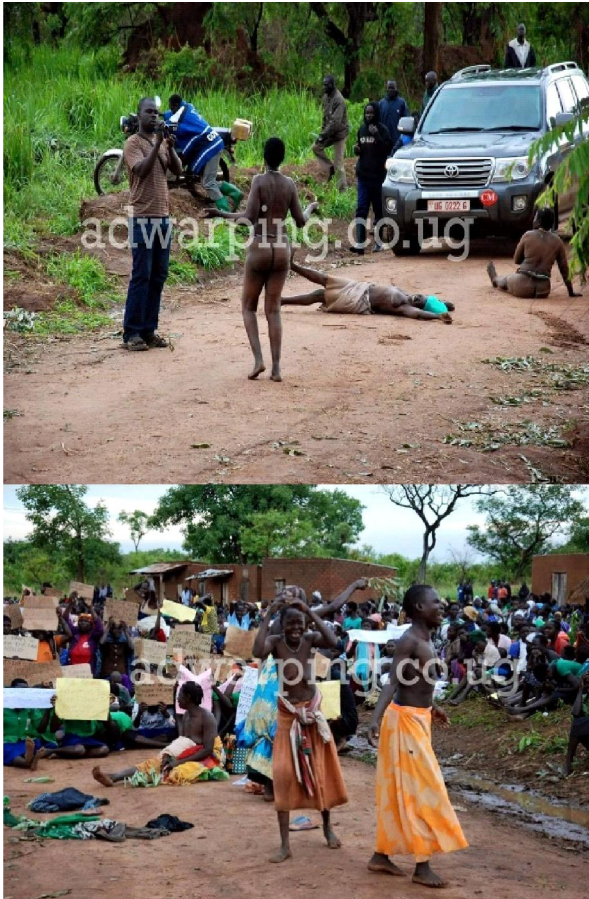
In Cameroon, community-organized strikes were led by youths and assisted by local NGOs to protest against the agro-companies and government LSLA policy. Plantation workers and women in Talangaye (Kupe Muanenguba Division) carried out three strike actions against SG-SOC within a year. The striking population demanded fair compensation for the crops destroyed by the company as provided by national laws and also the regular payment of salaries to workers who had not been paid for three months. As reported during our focus

group discussions, protesters blocked the way to company facilities and workers stopped work until government intervention led to the payment of some 7.8 million FCFA (16,000 USD) as part of the compensation owed the villagers. The population of the villages of Fabe and Nguti, blocked access to the oil palm nursery of SG-SOC in 2010 and 2013 and access was only restored after intervention from the local administration and the forces of law and order. In another village, (Lipenja I in Ndian Division) a male native reported that workers went on strike for poor working conditions. They complained to the Chief and made complaints through the SG-SOC PAV. The Chiefs however did not respond. A native stated "... the Chief has made people to believe SG-SOC is god..." This explains the 'clientelist' and political patronage system where chiefs act in their self-interest and in support of the investors in view of the remuneration they will receive or have received from them (Mope, 2009). Attempts by chiefs to quell some of the protests that came up in Ghana instead fueled more protests.

## **7.2. Peaceful protests**

Violent resistance proved counter-productive as many youths were arrested and imprisoned for posing a security threat and for economic sabotage. Government's counteraction weakened the women and the struggle. Three women in the group in Bana, Uganda for example, had their husbands put in prison and in need of financial support to pay the money for the Police bond. In one of the Bana communities, women mentioned that most men slept in the nearby bushes at night for fear of being arrested. In Cameroon, some activists against LSLAs were arrested several times in Ndian and dragged to court. Also, representatives of NGOs, such as Nature Cameroon, the Centre for Environment and Development (CED) and Greenpeace, were physically assaulted by Herakles employees while visiting the village of Babensi II at the request of the village Chief in August 2013. As seen in Uganda, such arrests only helped to delay the struggle, hence the need for adoption of more peaceful strategies.

Peaceful resistance took different forms in the three countries. It took the form of singing dirges and making babies cry to drown the voices of the government officials during consultations in Uganda. “Once they find us in such moods then they cannot address us and at times they go back,” boasted one woman. One of the KIs had this to say: “In 2011, when Madhivani, RDC and DPC came to Lakang, it was the women who blocked the road. They also stripped off their clothes as a curse to show rejection of the proposal, hence causing serious resistance until they drove back. Again on 7th September 2015, the elderly women stripped naked to stop the demarcation of the Amuru and Adjumani borders”.



**Fig. 3:** Women stripping naked in protest before a government convoy in Amuru, Uganda

One of the women leaders who led the demonstration affirmed that:

*“... Stripping naked was our only instrument because we realized that the only weapon we had was to get naked! We didn’t have guns nor the energy for physical violence. Some say politicians used us- never! We stripped over our land, when they take it, how shall we feed our children? Most of us are widows. The land does not belong to the politicians, it belongs to us...”.*

Talking about songs, Ghana also has evidence of the place of protest songs. During the Homowo festival of the Ga, for example, one day is set aside for citizens to register their displeasure with the Chief through song. These songs are known as djamaa. Also, among the Dagaba of Upper West Ghana, Saighoe (1997) documents protest songs known as bewaa songs. In the cases studied in Ghana, however, while the communities in general and the women in particular were acutely aware of the injustices they faced, neither the men nor the women resorted to the use of any of these traditional forms of protest. There seemed to be a general sense that in this new environment where land has become a commodity, the old sensibilities that govern land transactions no longer hold. Nevertheless, there are examples elsewhere to the fact that the use of traditional methods against external ‘oppressions’ has been effective in Africa because they tend to send a very strong message from a cultural context. Resistance to land grabbing in Upper Malon, Sierra Leone took a more serious dimension with the involvement of *Poro*, one of the Malon sacred societies. The group opposed grabbing on grounds that the land belongs to the sacred society and as such is sacred land for the country (Justice Foncier, 2014).

Peaceful protests in Cameroon took other forms. The NGO, SEFE led a campaign at the demand of the community of Mundemba (Ndian) to produce hundreds of T-shirts reading “No plantation on our land” to be worn at an official installation ceremony for the new SDO in 2012. This action aimed at making visible their opposition to plantation agriculture. There were street demonstrations against SG-SOC in April

2014 by the population of Babensi II (Kupe Muanequba), demanding the company to quit because of what they termed 'illegal occupation' without consultation or consent.

### **7.3. Meetings and Petitions**

Meetings were held by community members and women to denounce the absence of effective consultations or inclusion in the process of LSLAs. Other meetings called for the outright rejection of the activities of capitalist investments in their villages.

CICOL held meetings with Queen mothers who had been sidelined in Ghana. During these meetings, these traditional female leaders were encouraged to take on more roles in land governance and to respond more proactively to challenging the status quo in order to ensure accountability. As a result of these meetings, 230 Queen Mothers of the Asanteman Traditional Council issued a communiqué to the Council, the National House of Chiefs and the Government of Ghana that detailed their demands for increased transparency in land governance in the country. Land rallies with key stakeholders in land management such as chiefs, the land commissions and other land sector agencies were held. The goal is to equip traditional rulers with the requisite knowledge to ensure that they undertake their responsibilities to manage land in a manner that is sensitive to the needs of the communities. The content of these rallies is modeled largely on the UN Voluntary Guidelines.

Having been sidelined in the negotiations, the chiefs of Ndian Division and Nguti Sub-Division in Cameroon held a meeting on June 25<sup>th</sup> 2010 and issued a joint declaration denouncing an earlier understanding with SG-SOC to cede their land. They withdrew their earlier support pledged to the company because the company was now working only with elites and government (Ndian and Nguti Chiefs Conference, 2010). The Ngolo Chiefs Conference met on 15<sup>th</sup> December 2010 and August 2011 and condemned the illegal mapping and planting of pillars in

some villages of Mundemba and Toko Sub-Divisions by SG-SOC without the consent and approval of most Chiefs (Ngolo Chiefs Conference, 2010, NCUBA and BICUB, 2011). Although women did not participate in these high-level meetings because women are not chiefs or heads of villages, holding meetings as a form of protest played a vital role in communicating community disenchantment with the activities of plantation companies on community land.

Protest letters and memoranda representing different interest groups within the affected communities against LSLAs were common resistance tools in Cameroon. They were addressed to various public authorities including the President of the Republic, Prime Minister, Ministers, Governors and other local senior administrators. A few examples of the petitions recorded include:

A letter from the Member of Parliament for Nguti Sub-Division on June 29<sup>th</sup> 2010 to the President of the Republic objecting attempts by SG-SOC to irregularly exploit their land to the detriment of the population. The Ngolo, Batanga and Bima communities in Toko and Mundemba (Ndian) on August 26<sup>th</sup> 2011 sent a Memorandum to government against what they termed the “irregular” implantation of large-scale oil palm plantations on their land. The Memo highlighted the fact that the community did not have enough land to survive on and that the procedure embarked on by the company violated the free, prior and informed consents of the villagers. This same procedure also violates Art. 15 and 17(2) of the Cameroon 1974 Land Ordinance which requires local consultation through the Land Consultative Board. Another Memorandum from the Bassosi Cultural and Development Association in February 2011 to the Director of SG-SOC and a follow-up copy to the President of the Republic objected to any negotiation and establishment of oil palm plantation on their land. Even the Mundemba Municipal Council wrote an appeal on the 15<sup>th</sup> of February 2010 to the Senior

Divisional Officer of Ndian asking the administration to protect the population of the Council area against those elites using the land of the community for personal interests.

Like other forms of resistance recorded, the subject of these petitions re-echoed the same question of corruption, exclusion, and unfair compensation. The use of any of the weapons of resistance (strike, demonstration, meetings or stripping naked) depends on what is judged most effective by victims of LSLAs within a given context and circumstance. Petition letters like meetings and declarations may require time for action but strikes, demonstrations, singing, and stripping naked provoked instant answers (though temporal) from government and investors as seen in Uganda and in some cases in Cameroon. All these forms of resistance are not new to African women. During the Igbo Ogu Umiemwanji (women's war) as far back as 1927 in Calabar and Owerre, Nigerian women used singing, and destruction of administrative property to resist a colonial taxation policy for women (Van Allen, 1976). Kah (2011) also observes resistance by women movements in Bamenda grassfields of Cameroon against colonial rule through mass mobilization, petitions, boycotts and symbolism. It is therefore difficult to judge which form of resistance is most effective but as seen in the case studies, they have all contributed to promote some levels of distributive justice and accountability lacking in LSLAs in these countries.

Nonetheless, successful as they seem to be, some of the petitions and memoranda have sometimes been followed by counter petitions from those who feel left out in the process of preparing or do not agree with them. Participatory approach is needed in their elaboration for effectiveness. As some studies (IFPRI, 2012) have suggested, religious events and annual festivals provide opportunities wherein people can share experiences to protect their interests against large-scale investors, prepare petitions, memoranda by the people to raise awareness of their problems, and even strategize to seek external support for their cause.



*What are some of the outcomes of this resistance on investors and the process of LSLA in Cameroon, Ghana and Uganda?*

The initiation of insurrection and other forms of protestation by affected communities against unjustified land expropriation from the findings had very minimal impact on the investors and the outcomes often short-lived and unsustainable. Often times, the transaction entered between the disgruntled communities and the land acquirers went enforce and the designed project implemented with the complicity of government officials and powerful elite. In Cameroon, litigation against SG-SOC by a local non-governmental organization resulting from un-kept promises obtained a prohibitory injunction halting further operations but was violated by the said company; so too was the legal suit brought before the Supreme Court of Cameroon SEFE against the Minister of Environment and Nature Protection for issuing certificates of ESCIA to a company not meeting the norms considered admissible, without any further action from the court. In Uganda, like in Cameroon, community mobilization and protestations unfortunately, did very little to deter investors from operationalizing their designed projects. This confirms the helplessness of most affected communities to seek and obtain redress against social and economic injustices and violations when confronted with huge multinationals or capital-intensive economic projects despite existing institutionalized and legislative enforcement frameworks.

#### **7.4. Resistance from NGOs**

In a collective protest letter written by a group of NGOs amongst which were GRAIN, SEFE, Nature Cameroon and others to Oliver Schutter (the UN Reporter), the authors requested an investigation and intervention in the case of acts of repression and criminalization against local organizations and activists in Cameroon. The authors held that these actors were victimized in the context of peaceful protests against Herakles Farms in the Mundemba, Toko, and Nguti Sub-Divisions of South West Cameroon. It also decries the suspension of Nature Cameroon by the Divisional Officer of Nguti following activities

against illegal land grab. Nature Cameroon had held sensitization meetings focused on the status of Herakles Farms' application for a land lease which did not go down well with the local administration.

Nature Cameroon later appealed to the DO to uplift the suspension order. In response to one of the letters of appeal in November 2013, the DO responded by telling Nature Cameroon that "...you should equally know that the peace and tranquility prevailing in Nguti Sub-Division cannot be compromised with obscure intentions by your grouping, which on the one hand professes to be development oriented in Nguti Sub-Division and on the other hand goes about inciting a chunk of the public to rise against development contributions from others ..." (NGO letter to UN Rapporteurs, 2014).

A local Cameroonian NGO called Struggle to Economize Future Environment (SEFE) on August 8th 2011 filed a motion at the Mundemba Court to put a moratorium on the SG-SOC plantation citing the possibility of irreparable damage or injury to local communities and the environment if the project were to continue. The court ruled in favor of SEFE on August 31<sup>st</sup> 2011 and placed a restraining order on the project with a penalty of 500,000FCFA per day if violated. One of the agents of the company that violated the decision was arrested, although SEFE claimed the action of the judge was not appreciated by his hierarchy.

The use of conservation argument has been very compelling against LSLA. A study in Tanzania, for example against gravel extract shows how protest was ineffective because villagers were up against strong political and economic interests. But things however changed after Fairy Pitta (*Pitta Nymphia*), an endangered bird species in the woods of the nearby Pillow Mountain, was seen and "would be a victim of gravel extraction" (Tang, 2004: 17).

Analyzing the issue of NGOs seeking justice for the affected communities in the face of LSLA, government considered the activities

of NGOs unwelcome and viewed NGOs as anti-development. The DO of Nguti in Cameroon was clear in doing so in a letter to Nature Cameroon "...the administration frowns at the attitude of people who solicit development but yet being against it....government processes are slow.... so opportunities brought in by companies should be welcomed..... In fact the administration pays deaf ears to petitions as a matter of fact..". The SDO of Ndian also belongs to the same school of thought. He noted that "...land taken over by plantations are empty lands, free lands which belong to the State and for this reason the State should use it as it pleases.... The villagers are not owners of this land but want to be the ones selling instead of the State....The locals cannot be asking for development and then be against development... they must be prepared to sacrifice in order to benefit from development.... SG-SOC therefore presents an opportunity for development which we must seize..." Some local administrators in Ndian and Kupe Muanenguba were aware of the rights of these communities to these lands and agree these indigenes settled on this land before the State. However, most administrators think that even if prior informed consent is necessary, it was not needed once the transaction with the government had been approved by a Presidential Decree as is required by Sect. 7 of Decree No. 76-166 of 27<sup>th</sup> April 1976. They affirmed that the President can act unilaterally without any further consultation because he had already consulted with the people to be elected.

A careful review of the resistance against LSLAs examined suggests that majority were community-led and a few by women. Stripping naked, making children cry and singing, noted in Uganda and Ghana, were organized and driven uniquely by women. Other forms of resistance (petition, strikes, demonstrations), involved the entire community concerned. Another important observation is that, although women's participation at the forefront is visible, they were not always formally organized as women's movements. What currently exist are ad-hoc groupings that spontaneously coalesce whenever alerted of government's impending plans to take or sell their land. In other

words, the protests are sporadic, without coherent organized dissent. They are driven by compulsive discontent with the status-quo.

There are very few strong women movements or organized groups demanding accountability or capable of demanding accountability in the process of LSLAs in countries like Cameroon and Uganda. Some of these spontaneous protests are fueled by natives of affected areas residing abroad through protest letters to government and international human rights organizations like African Faith and Justice Network (AFJN), and the use of social media. However, well organized civil society organizations like SEFE, RELUFA in Cameroon, FIAN and Action Aid International Ghana as well as Uganda, the Uganda Land Alliance and the Civil Society Coalition on Land in Ghana and others exist, some with a strong women agenda demanding accountability and due process. The success of these actions in terms of preventing or modifying lease terms in favor of African women is yet to be analyzed and documented.

Tilly (1978) believes that successful resistance is likely to establish itself as legitimate and command a response from government or corporate actors through legal or direct action. Such direct actions are visible, taking the responses or concessions that government has been forced to make in the face of local resistance in some of the affected communities studied.

A review of resistance against LSLAs in the three case studies show that whether they are well organized or spontaneous, they have served as powerful channels for demanding accountability where statutory institutions have failed or are weak. In another instance, women who were not paid adequate compensation received additional compensation after women protests and strikes. This is how one of the women described what happened:

*When the company came to Talangaye, we gave them land. I had a big cassava farm which the company later destroyed in the course of*

*construction... but was told that the company will evaluate the damage and pay compensation to me. They brought an official from the local Delegation of Agriculture who evaluated my crops to be 2 million FCFA [about \$4000] but I was paid only a million by the company. Later on, I talked with the other affected women in the village who accepted to fight with me to get the rest of our money... The money was then paid to us and I used mine to build my personal house... (Mama Pauline from Talangaye).*

There have also been important political fallouts from this resistance. As part of this resistance, the ruling party lost the municipal elections to the opposition in one of the municipalities (Loum) in the Mungo Division and the NRM party lost a parliamentary seat in the Amuru constituency. In both cases, the land question was on the ballot and the loss of these elections is seen as part of the success of the resistance against the policy of LSLAs.

Women and community resistance against LSLAs in Cameroon, Ghana and Uganda show how these groups have exercised conscious rights to ask legitimate questions against the backdrop of hunger, poverty, environmental degradation, arrests or exclusion of decision making on issues affecting their very existence. Public officials have been embarrassed as women ask for bread and water by stripping naked or make babies cry during meetings in Uganda, or agro-companies in Cameroon denied access into their plantations and offices by striking women until they are paid full compensation and their water sources destroyed by activities of these companies are restored. Much of what these women and affected communities have achieved is thanks to collaboration with NGOs. NGOs in Cameroon have invested in building rural capacities in land rights so that rural dwellers are able to articulate concerns about their rights and roles in land deals. Through this, some have achieved distributive justice as some farmers have sought for re-evaluation of their farms that were destroyed by the plantation and received better compensation in Cameroon. Oakland

Institute [Sierra Leone] (2011) also reported the success of the NGO Green Scenery in Sierra Leone, in providing similar assistance to over 90 farmers affected by LSLA and creating a watchdog association- Action for Large-scale Land Acquisition Transparency (ALLAT) in 2012. Through ALLAT, the farmers were able to demand and obtain a moratorium on new land deals; so did communities of Ndiang.

*What was the role of civil society organizations?*

Efforts by locally affected communities to seek redress and the protection of their land rights were ably supported by activities and activism by national and international non-governmental organizations. Support took different forms and included: assistance in law suits and social response to cushion the adverse effects of immediate loss of housing and livelihoods.

In Cameroon, civil society organizations introduced legal suits against LSLA and the government for non-respect of promises made to the local communities agreed upon during the consultation and negotiation processes and the issuance of ESCIA certificates to companies for not respecting the environmental protocol governing LSLA enforce.

In Uganda, two international non-governmental organizations - Action-Aid and FIAN - working in Uganda, provided emergency support safety nets to the local communities to cushion adverse effects resulting from the forceful land expropriation. They provided assistance to communities in the form of bedding, food supplies, funding and logistical support to legal suit brought against the Amuru sugar plantation work. On its part and on the case of the Kaweri Coffee Plantation, FIAN assisted in gathering documentary evidences on human rights violations and exploitative conditions in the plantation, calling the attention of the international community and government of Uganda.

From all indication, civil society organization's agency and activism were strongest in Cameroon and Uganda, although it is evident very little spinoffs were recorded to address the plethora of issues raised.

Whether resistance against LSLAs brought visible achievements or not, the mere fact of resisting is an achievement. Resistance brings to the fore the irregularities of the process and whether these irregularities were addressed or not is another subject. Resistance made governments and investors conscious of their actions and of the fact that they can be held accountable. Government and investors need a peaceful and socially stable environment for business and economic progress; it is therefore in the interest of both of them to work towards such business climate by making sure that this resistance does not occur in the first place.

## **Chapter 8**

# **Some Concluding Reflections**

This study has raised a number of issues based on the objectives and findings. The findings provide important platforms on which to raise key policy questions that can contribute to ongoing debate on the processes involved and the relevance of LSLA in uplifting the rural wellbeing of women and others in affected communities in particular, and in the development of Africa, south of the Sahara. Even when core findings on land governance and its effects on women are similar across the three countries, the cross-country analyses enable minor differences recorded to be highlighted. These differences are considered important pointers to the fact that no two countries are the same and a reminder to global efforts of the dangers of prescribing common solutions against LSLA in Africa. While global policy orientation may be important, keen attention should be given to country specifics on how LSLA processes can mainstream the rights of rural women in land deals and benefits.

### **8.1. Issues for reflection**

*The study has demonstrated that the acquisition of large-scale land follows both formal and informal rules of land governance influenced by colonization and which do not adequately protect women's land rights and participation in LSLA processes.* Colonization introduced new laws and forms of land ownership that have threatened indigenous rights over land. Formal rules are tilted towards the formalization of individual ownership and the commoditization of land while land under informal regimes is revered as a deity and as an identification element of a people that should be held collectively. The transformation of collective land rights to individual rights also goes with a shift of power from traditional to public institutions. These differences in the perception of land by colonial and post-colonial administrations on the one hand, and informal indigenous land governance on the other, are partly



responsible for the conflict, tension and confusion observed in the process of LSLA in all the countries studied.

When it comes to the respect and promotion of women's rights in the process, both formal and informal rules generally fall short of adequately protecting these rights even though more efforts have been made in the formal domain, particularly in Ghana and Uganda, but less so in Cameroon. In Uganda, the land Act of 1998 (Sections 39, 28 and 17(4) (b)) and Ghana's Constitution of 1992 (articles 17, 18, 22, 36) make allusions as well as specific recommendations to women's inclusion in family land transactions, land management institutions and associations. Even in these two countries where some progress has been made in mainstreaming women's land rights in the laws, there are still discrepancies between what has been intended and the actual process. Expected legal and legitimate procedures are rarely complied with, making most deals non-transparent. From the study, this could be attributed to the existence of both customs and statutes which do not complement each other and actually define women's land rights differently.

Thus, the absence of a veritable comprehensive and realistic national land policy and legal framework in the three countries (as is the case in other African countries) creates room for exclusion and gender discrimination at different levels. Gender discrimination and/or exclusion are sometimes the genesis of conflicts and popular discontent over land deals which were made in the midst of government reprisals in Cameroon and Uganda. Under such conditions, PSMNR (2012) thinks that government should place a moratorium on the granting of new concessions until a mechanism has been developed in which the leasing process takes into account already existing land rights and customary rights, especially for women.

The observed gaps between the law and women's rights in particular and their implementation raise theoretical and even political concerns such as: what creates the gap between the law and its implementation?

What mechanisms are required for effective implementation? What should be the role of governments and other actors in the strict implementation of due processes? An analysis of the actors and operators involved in LSLAs could suggest a clue to the aforementioned concerns. Moreover, there is evidence from the study that some of the gender-friendly laws and policies cannot thrive in dominantly patriarchal societies, of which these countries actually are. For land laws and policies to be effective, they must, a priori, analyze and take into consideration the patriarchal context in which they are to operate. The result of an analysis of this nature will enable measures (such as gender capacity building of personnel, engendering the composition of implementing institutions, gender sensitization) that are likely to cushion the effects of patriarchy.

*Evidence shows that the impact of LSLA is gendered and thus the process needs to be engendered for men and women to maximize its benefits.* The root causes of the differential impacts stemmed from the fact that both customary and statutory laws and their implementation exclude women and their voices and interests from the process of LSLA. Men, village elders and traditional authorities (most of whom men) received some form of consultations over national land in Cameroon and private land in Ghana. The study provides evidence-based knowledge that could be important for policy in enhancing accountability and legitimacy to these land transactions. For example, agro-investments are not social projects. Like all business ventures, profit maximization is their principal goal. Implementing laws that are gender-sensitive or those that enhance the socio-economic standards of the local population comes second to investors. Hence, corporate social responsibility remains minimal. Compelling operators to comply with the laws require that the government and other stakeholders equally meet their own responsibilities. This is often not the case as most government actions as observed in Cameroon and Uganda are concerned about economic growth at the expense of the rights of local communities.

Although affected communities have benefited from some of the projects through the provision of some unskilled jobs and social amenities, the negative effects seem to have outweighed these positive outcomes, with most of the burden generally falling on women because of their triple roles. The loss of access to livelihood, non-timber forest products, clean water, and fuel wood, either through evictions or displacements, made women within communities studied in Uganda, Cameroon and Ghana, feel a sense of hopelessness, particularly when they felt they could not effectively carry out their roles as they had done in the past. This gender differentiated impact on men and women could be useful in complimenting existing international guidelines for land acquisition which mandate states to ensure the planning and therefore the process of expropriation is transparent and participatory.

*Community resistance against LSLA provides another evidence of the failure of the top-down development paradigm to protect the rights and interests of women and other vulnerable groups.* Absence of procedural and distributive justice in LSLA has caused diverse reactions from the affected communities. Women's roles in these struggles so far have been parallel across the three countries. Areas where LSLA have taken place have become synonymous to strikes, protests, petitions, activism and legal complaints both from affected communities and from civil society organizations. Where these social upheavals have been absent, strategic inaction as in Ghana has been inevitable. The outcomes from local response through collective action and strategic inaction have varied across the three case studies. These differences could be linked to contextual differences. Some of the resistance has been successful and concessions have been made to victims as in Cameroon, but only in the short run. In other cases, activists against LSLAs have been threatened, harassed, intimidated, arrested, and sometimes brutalized as reported in Uganda and Cameroon. These manifestations of discontent are indications of the need to involve a broader segment of the citizenry, especially women, in LSLAs and in development in

general through better laws and more transparent and accountable procedural, distributive and inclusive transactions.

*So where does this leave the question of compensation and the policy of win-win in LSLA?*

As observed from the study, the alarming rate of large-scale land acquisition in Africa south of the Sahara has ramifications on land users, particularly on rural women who solely depend on land for food crop cultivation and livelihood. Although companies acquiring land are in principle supposed to adequately compensate for the land taken, the actual compensation paid (when done) is usually not commensurate to the land acquired. In all the localities studied within the three countries, the actual compensation and promises made to affected communities are not comparable to the land value and opportunities lost by these communities. Affected communities are not satisfied with these empty promises. Employment provisions, agricultural support programs and the provision of social amenities resulting from land-related projects should not be considered as compensation since these amenities are primarily to serve the interests of the companies. For example, roads are created to evacuate the produce from the plantations to the markets, schools cater for children of plantation workers, health facilities for workers, and the same applies for water, electricity and other amenities. With these in mind, these facilities are carefully located where the strategic interests of investors are better served. As Fonjong, et al. (2016) noted in the case of Cameroon, local communities may benefit from the roads, water, health centers etc., but they are not the primary beneficiaries.

Investors take advantage of the fact that some communities are often not well informed of the terms of LSLA transactions to brandish these infrastructures as development gifts to the people. Even some of the chiefs and others who claim to represent affected communities sometimes have little awareness of the laws relating to compensation, no matter how inadequate the laws may be in some countries. Some of

them do not even have copies of the deals which have the conditions and promises contained in the land deals. This poor understanding of rights and entitlements to land among affected communities limits their power to demand better compensation and accountability from both government and economic operators. NGOs and other civil society organizations can only fill this gap by building the capacities of women and affected communities on how to protect their rights and demand proper compensation. Though this action has led to renegotiation and legal redress in some cases as seen in Cameroon, there is need for the government to take strict measures to ensure that compensation on land is equivalent to the value of the land. The ability of NGOs to demand fair treatment for women and affected communities has been largely criticized by investors and governments on grounds that NGOs lack the legitimacy to talk on behalf of these groups and communities. Strong community-based organizations, interest groups and elected representatives from affected areas can carry the voices of the people.

## **8.2. Conclusion**

The effective participation of rural women in the process and benefits from LSLA cannot be separated from the formal and informal rules governing land in Cameroon, Ghana and Uganda. This is because these customary and statutory instruments define who has rights over the land sought by investors, who should be consulted in the negotiations and of course, who should be compensated, and to what extent. Thus tenure practices must clearly define individual and collective land rights so that when violated by whosoever, victims have basis to demand accountability. Unfortunately, the study has demonstrated largely that whether it is with mailo land in Uganda, private land in Ghana or national land in Cameroon, the land rights of women and rural communities are not properly protected, leading to lapses in their ability to effectively demand accountability. Land rights are important in helping land owners build an asset base that may lead to sustainable livelihood. Many studies (Adams, Sibanda, Turner, 1999; Hall and

Gaynor, 2012 Childress and Lastarria-Cornhiel, 2009) have confirmed that secured land rights can provide the population with a source of power, prestige and a means of economic production.

By the same token, LSLA has also accelerated the race for individualization of land over collective ownership. This has weakened the powers of chiefs and village elders hitherto regarded as custodians over family land in Ghana and customary land in Cameroon and Uganda. This shift in control over land also goes with the transfer of power of adjudication from customary to statutory institutions which in most cases are not easily accessible to women and other vulnerable groups. Today, there is a strong influence of the courts and administrative and quasi-judicial institutions in land litigations over traditional councils or structures. However, going by the general outcry against the current process of LSLA and the various land deals, one is tempted to question accessibility, transparency, fairness and effectiveness in rendering justice and protecting the rights of women and other vulnerable groups.

The situation of land scarcity in some affected areas has forced men and women to migrate in search of livelihood and for women to assume new roles. Having been displaced by LSLA, women are forced to sell their labour to the new owners and may suffer from poor working conditions. These gender problems are compounded by gender discriminatory laws and the absence of equal opportunities for women to participate in the land deals and benefits. Chiefs and men in general assume some level of control of the process (even if it is far from being perfect) and thus benefit from the deals at the expense of the women.

Good governance is important in achieving an all-inclusive process that is beneficial to all in Cameroon, Ghana and Uganda. International instruments, including the UN Human Rights Council 2009 Guide, if implemented, can eliminate some of the gender gaps observed in the process of LSLA in the three countries. Section 1 of the UN Council guide requires land deals to take place only after free, prior informed

consent of the locals. The non-application of this principle can only be blamed on poor governance in land tenure management. When land deals are concluded in violation of the free, prior and informed consent of affected communities, they tend to lack legitimacy. Sometimes, consultation with chiefs and elites is not enough because some of them are easily bribed or are clients of the state (Fombad, 2004: 361) and do not sufficiently represent the interests of their people any more. The very high corruption index of some public administrations, especially in countries like Cameroon (Fombad, 2004: 358-367), makes it possible for a determined investor to always have his/her way without due process or considering community interests. Rural women who are severely affected cannot therefore remain mere spectators in land negotiations.

The study thus arrives at similar conclusions like others, especially Oxfam (2011) that LSLAs adversely affect the rights of the previous land users. It violates human rights, especially women's rights, because many of the deals do not involve women and are not based on prior, free and informed consent of the affected land users. The process lacks thorough environmental, economic, socio-gender impact assessments, and the contracts are not transparent about activities, employment and other benefits, including meaningful participation. Effective alternative approaches to achieving public purposes and ensuring gender inclusiveness in land deals have to be sought, and strategies to minimize undesirable effects put in place so that LSLA can be a win-win in process Africa south of the Sahara. Carosio (2012) believes that part of this means the issue of land grabbing should be raised at the highest international level in order to make developing country governments aware of their high social, gender and environmental risks, and also ensure sustainability, transparency and accountability of investment on farmland.

The violation of the land rights of local communities by investors and economic operators through LSLA is a major cause for concern, especially in developing countries in which small-scale agriculture has for long remained the mainstay of the economy and land the major factor of production. Large-scale land grab or acquisition brings with it the possibility of rendering populations and communities landless, with little or no lands to carry out their economic activities. Consequently, absence of land and related resources has major consequences on community livelihoods, environmental protection and sustainable development; thus a major concern for all stakeholders (State, administrators, communities men and women, investors, NGOs, etc.). While a gender analysis of the prevailing situation reveals that women's rights to land suffer major setbacks in the context of LSLA, it is imperative that gender-sensitive measures and indicators are mainstreamed in LSLA consultations and negotiation processes in line with FAO laid down guidelines. While no clear-cut or one-size-fit-all measure can be implemented to foster and protect individual, community and women's land rights in LSLA arrangement, this study however proffers a number of recommendations to promote women's participation and benefit in LSLA amongst others.

### 8.3. Recommendations

- To ensure that LSLA protects the participation and interest of rural women prior to, during and after the process, national parliaments could enact laws that make gender certification in land transaction a requirement. Gender certification will require that investors obtain genuine free and informed consent from the women and involve them in consultations and negotiations. But this might also require the existence of strong women agencies in affected localities to make implementation effective. Strong local legitimate institutions can serve as effective intermediaries between the people on the one hand and investors and government on the other.



- LSLA contracts should clearly state how the investments will improve the status of women and local populations within a clearly defined time line and mechanism for monitoring these benefits should be written into the contracts. There should be a gender analysis of the differential impacts of these socio-economic projects on men and women before they are implemented.
- Rural women may not be able to effectively demand accountability without some elementary notions of the land law, institutions to which to channel complaints and the processes involved in seeking legal redress. Capacity building for rural women in some of the legal and administrative provisions with regards to their rights to land, compensation, conditions of eviction among others can empower them to be proactive and more effective in formulating their demands for accountability and gender inclusive development. Moreover, it will also help raise awareness among women that long-term occupation does not redound to ownership rights over customary land.
- Women's collective empowerment through collective action is an important path for women agency in achieving accountability. Collective empowerment can also lead to individual empowerment. Individual empowerment is crucial for women to participate in consultations and negotiations leading to the sale of family land, asking and receiving better compensation for individual crops destroyed on land taken over by plantations or asking for better working conditions in jobs created by LSLA.
- Where women's land rights have not been adequately protected by the law as in Cameroon, for example, judicial activism can help advance the course of women through case law. More gender sensitive judges and magistrates should come on board to apply international instruments (for example, the Universal Declaration of Human Rights, Convention for the Elimination of all forms of Violence against Women, or the Africa Charter on

Human and People Rights) which have been duly ratified by these countries to protect women's rights against discrimination and promote their rights to consultation and compensation among others, where national laws are weak. The law is only as good as those who are in charge of administering justice. International development agencies like IDRC should sponsor capacity building programs for judges, lawyers and even lawmakers in these countries.

- There is urgent need to revalorize national laws to mainstream women land rights in national laws and policies given the centrality of land to economic development. Land rights give owners the right to give, lease, or donate a piece of land. It follows that having more rights to land can be associated with more sustainable livelihood options, especially for rural women whose livelihood is closely tied to land. Women's secured land rights will in addition to these, increase their bargaining power within the household, with a resulting increase in household welfare. This is instrumental to economic development and a catalyst for economic activity. Promoting secured tenure rights and equitable access to land should be a central concern for most countries, particularly in their elaboration of their Poverty Strategy Papers and ongoing long-term development visions.

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# APPENDIXES

## INTERVIEW GUIDE FOR GOVERNMENT OFFICIALS

### Check List (for the Interrogator only)

1.	Name of Government Ministry	
2	Name of Government Department	
3	Name of Locality	
4	Position or Rank of official	
5	Contact if available	
6	Consent form signed	
7	Date of interview	
8	Interviewed by	
	General comments if any	

## INFORMED CONSENT OF RESPONDENTS

This research is carried out by the IDRC-UB Large Scale Land Acquisition Project. The project is sponsored by the Canadian based International Development and Research Centre (IDRC) and is carried out in three countries: Ghana, Uganda and Cameroon.

The main objective of the research is to examine the conditions under which women can be empowered to effectively participate in the processes of LSLA and the ensure that the legal and policy frameworks foster better accountability and legitimacy in land governance in sub-Sahara Africa.

There is no risk associated with completing this form. Your consent is sought simply because we want to be sure that you provided us the information willingly and freely. You do not need to answer any question if you don't want to without any consequences. All information that you provide is confidential, will be used strictly for academic purpose and in an aggregate form. Nothing that you write or say will be attributed to you except you specify so. This form and the interview will be handled separately.

Your participation will advance our research and will serve as a contribution for the advancement of women and Land Reforms that will foster the development of Cameroon. If you have questions concerning your rights as a participant, please contact me using the address below.

Thank you for your assistance

Lotsmart Fonjong

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Principal Investigator

Tel: 677 513 620

[flotsmart@gamil.com](mailto:flotsmart@gamil.com)

Respondent's Name and Sign

## IDRC-UB Large Scale Land Acquisition in Sub Saharan Africa Project

### Large Scale Land Acquisitions and Implications for Women's Land rights in sub-Saharan Africa

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#### RESEARCH INSTRUMENTS NUMBER 1: FOR GOVERNMENT OFFICIALS

##### Situation of LSLA

1. Why is the government interested in LSLA?
2. What drives the large scale land deals now and not say 15years ago (for secondary data)?
3. Who are those acquiring large scale land in this area?: Elites, Foreign Investors, local businessmen, Public officials, etc
4. What informs the government choice of investors?
5. What kind of land is made available for LSLAs? Private land, Public land, Community land, unused land?

##### **Accountability: Institutions, legal and policy framework, representation, sanction, interaction, transparency, information flow, internal and external monitory and evaluation, rights, capacity**

1. What formal/informal roles does your institution play in the process of land acquisition in this area? (Probe roles in various stages such as initial contact, negotiation, legalising the agreement and implementation/use etc?)
2. What structures guide large scale land acquisition and what representation do women have in these structures? Do women play a leading role in these structures; why or why not?
3. What are roles of different actors (government, media, NGO's) in supporting the community?
4. What has been communities' response in general and women's response in particular? (What have they considered effective and why and what have they considered not effective and why?)
5. What is/are the main method(s) of land acquisition: Lease, Multiple contracts Purchase, Others (specify)
  - a. Does the administration seek the consent of the local population before deciding on specific lands to be acquired?
  - b. If no what avenues exist to involve local communities or make them aware of the deals?

6. Which administrative /government officials are involved in the process of LSLAs?

Authority	Yes	No	Reason(s)
Divisional Delegates (Specify)			
Divisional Officer			
Governor			
Minister			
Municipal authority			
Senior Divisional Officer			
Traditional authority			

7. Who are the rights holders? Are the rights holders consulted and do they give informed consent in such deals?
8. What are the types of consultation involved?
9. Who were the various actors that government involved in the process of LSLA (probe: role of women; which women were involved?-queen mothers, female landowners, market women, businesswomen, others?)
10. How were they involved (at what stage were they involved; what issues did they raise; and were their (women) issues taken into account?
11. Did the government educate the rights holder to be strong active players in such deals?
12. Was there an agreement/contract document and if so, was this easily accessible to the public? if yes why and if no why not?
13. How can the home government, MP, etc. be effectively accountable to the masses and rights holders particularly
14. What mechanisms have been put in place to monitor the implementation of the terms of the convention (specify convention)
15. What have been the community responses to these agreements? Who has led them? And with what outcomes?
16. What have been women responses?
17. Should government institutions be involved in situations of private land transactions? (Give reasons)

**Governance: Laws, management, institutions and structure, inclusion, fair compensation, land, livelihood and displacement, rules**

18. What are the constitutional provisions/laws stipulating your roles in this process?
19. What legal mechanisms/constitutional provisions detail who you should be working with?
20. To what extent are you able to carry out your duties as stipulated by law?
21. What laws do you use in addressing issues of large scale land transactions?
22. How adequate is the existing legal and policy framework in regulating LSLA in this area? what is the level of women's involvement, are they consulted, what issues did

women raise, what mechanisms were in place to protect their interests, is it necessary to have these mechanisms ( representation, compensation, involvement)

- 23. What kinds of compensation plans were prepared at government level for local communities and for whom?
- 24. What were the specific considerations for women?
- 25. How have the duality of laws facilitated the land concessions?
- 26. What factors did you consider in determining the compensation?
- 27. What safeguards have your community put in place to ensure scrupulous adherence to the terms of the convention?
- 28. What has the government/administration done to ensure that land deals address the impact on women and livelihood?
- 29. Are there aspects in the agreement that breach user rights?
- 30. What mechanisms are put in place to address breaches of the convention?
- 31. Were people displaced because of the land deals? Were they compensated?
- 32. What kind of benefits was the community entitled to? Did they received their benefits?
- 33. The percentage of the profit

(a) Development projects

Project	Level of realization		
	Not started	Started	Realized

**Legitimacy: Representation, Collaboration, mutual acceptance, perception, agreement, partnership**

- 34. To what extent do you think these land agreements were fair and just?

### INTERVIEW GUIDE FOR LOCAL WOMEN/LOCAL COMMUNITIES (PROBING: WOMEN)

1. Who owns the land over which the concessions are made
2. What are some of impacts related to land transactions that you have experienced as a community?

SN	Positive impacts	Negative impacts
1		
2		
3		
4		
5		
6		

3. Has any community or group been displaced from their land or sources of livelihood so far due to LSLAs?
4. Is there any form of organizing by women to demand accountability for the land transactions?
5. Please, tell us more about these organizations if any

SN	Organization	Some activities and achievements
1		
2		
3		
4		
5		

6. Do you think the ownership of land certificate or non- ownership of such has any bearings on the land transactions?
7. What activity were you carrying out on the land before the land deal?
8. (a) Are there any promises made by the company concerning infrastructural development?  
(c) If Yes in what domain(s) (d) Have these promises been realized?  
(e) If No, how do you intend to hold the company responsible/accountable?
9. Identify the socio-economic activities in the region (also identify the actors) in the table (generate a land used map)

Activity	Actors			
	Men	Women	Youths	Others (specify)
Cash crop cultivation				
Collection of medicinal plants				
Collection of Non timber forest products (NTFPs)				
Exploitation of fuel wood				
Fetching of water				
Fishing				
Foodcrop cultivation				
Grazing				
Hunting				
Tourism				

10. (a) Do you think your rights to livelihood have been deprived by the land deal?  
(b) If Yes, in what way?

11. (a) Who represents the community in the negotiations for land deals?  
Men; Men& women; Chiefs/notables; Local NGOs; others (specify)  
(b) Are their technical skills taken into consideration? (c) If Not Why?  
(c) If men or women; are their levels of education taken into consideration?  
(d) What was the basis for selecting these men and women who represented your community in these negotiations? (Use the table below for question 11)

Characteristics of representatives	Men	Women	Chief/notables	NGOs	Others
1.Level of education					
2.position in the community					
3.Special technical skills					
4.Other considerations					

12. (a) Do you think the activities of the companies here might have affected the activities of women? (b) If Yes how? Loss of farmland; loss of or reduction in income; Abandonment of activity; Out-migration;  
Other effect (specify)
13. (a) Are there any formal groupings/structures within the community that can take up action to fight in favour of the women? (b) If Yes Name them (c) How do they carry on with their 'fight'?
14. (a) Is there a common fund from which resources (financial) can be drawn to undertake expenses on behalf of the community?  
(b) How workable is it (in terms of contribution, regularity, etc.)?

Very workable      Workable      Partially workable      Not very workable  
(c) Is the fund contributed by both men and women?

15. Are there any formal structures or network to protect the land/resources from excessive exploitation?
16. Is this community aware of any non-transparent transactions in the land deals?
17. (a) Is there a common fund from which resources (financial) can be drawn to undertake expenses on behalf of the community?  
(b) How workable is it (in terms of contribution, regularity, etc.)?

Very workable      ; Workable; Partially workable; Not very workable  
(c) Is the fund contributed by both men and women?

18. Are there any formal structures or network to protect the land/resources from excessive exploitation?
19. Has any member of your community seen the convention signed between the government and the companies? (Probe for women, men, chief, local politicians, NGOs, etc)  
Are the terms what the community actually consented to?



20. Are women part of the land administration structures like traditional councils and negotiation committees? Has this always been the same or has it changed over time? How and why?
21. Do locals who are employed have employment contract specifying remunerations, duration of employment, conditions and terms of work, etc?
22. Are there any institutions like NGOs to which you adhere in times of need (for financial support, building up capacity, liaising with partners/authorities, etc.?)
23. Briefly explain where the community seek recourse in case of rights violation
24. Are there any institutions like NGOs to which you adhere in times of need (for financial support, building up capacity, liaising with partners/authorities, etc.?)
25. Were you (probe men and women) satisfied with the terms of the transaction negotiated on your behalf as a community? Why/why not?
26. What strategies have you used to fight for your interests?
27. What attempts have you made to bring your concerns (dissatisfaction presumes negative answer) (both in terms of actors involved, terms of transactions, access etc) to the attention of the authorities (formal or informal authorities)?
28. How successful/unsuccessful have you been?
29. What, in your opinion, accounts for your success or lack thereof?
30. Have you as a community registered any resistance with regards to large scale land transactions by women especially?
31. Is there any form of organizing by women to demand accountability in the land transactions? If so, what kind?
32. What do you think can be done to ensure that women are included in the processes of Large scale land transactions in this community? (probe in regards to laws, policies and practices)
33. How would you describe this land: Very useful; Useful; Marginal; Idle

## INTERVIEW GUIDE FOR TRADITIONAL LEADERS/ CHIEFS

1. How much land does the community have? (unit of measurement=hectares or acres?)
2. Based on the total land available in this community, what quantity do you think your community conveniently given out to investors?
3. How much land has been leased in this community? How land is generally allocated to the community members?
4. To whom have these lands been leased? (Presupposes one lease, foreigners or indigenes?)
5. For how many years has the land been leased?
6. What role did you play in these LSLA deals
7. Did you fully understand the conditions of grants
8. Why did you accept the Land deals
9. What informs your choice of investors?
10. Have you seen the convention or the terms of the convention
11. What procedures did you follow coming to an agreement over these LSLA?
12. Who were the various actors? (Probe role of women which women? Leaders? Queen mothers,) and what role did they play?
13. What factors determined who was/was not involved?
14. How was your community compensated for the deal? (Probe women)? Who was compensated? Are you satisfied?
15. Describe briefly the type of development promises made to your community and which ones have been delivered?
16. What was the basis of these promises? (probe to find out if they were requested by the communities, if there are community needs or were simply decided upon by the investors)
17. Did the investors carry out any socio-economic impact assessment prior to the negotiation for land acquisition? (probe to find out how they are aware of this) If No, why?
18. List the main results of this assessment where they were carried out

Sn	Focus areas of assessments	Results
	Agriculture	
	Food security	
	Displacement	
	Environment	
	Water	
	Sacred sites	
	Land shortages	

19. (a) What are some of the provisions that exist if any, for displaced women to regain their lost lands to foster sustainable agriculture?  
 (b) If no, why?
20. (a) Are there local people represented in the Management Board of the companies involved in the land deals?  
 (b) If yes, how many and who are they? (Probe to know if they are local elites, chiefs, women, politicians, etc)  
 (c) What percentage of this number is made up of women?  
 (d) Why?
21. Describe the kind of jobs given to your community members

Types of job	Women			Men		
	Age	Class	previous	Age	Class	previous

22. What concrete framework if any have you put in place to ensure the following:  
 (a) Job sustainability  
 (c) Environmental sustainability
23. How can you and fellow chiefs use your power and authority to object to such deals if you think it will not be beneficial to your community?
23. List some cases where these power have been used against deals that are not beneficial to your community if any
24. What safeguards have your community put in place to ensure scrupulous adherence to the terms of the convention.
25. What mechanisms exist for citizens to raise their grievances?

Mechanisms that exist	Affected women	Men affected	Community

26. What mechanisms have you put in place to protect the rights of the community, and the women in particular and how effective have they been?
27. Do you have a copy of the agreement?
28. Are you able to renegotiate the land deals? Under what circumstances? how? Why? Why not?
29. If you have the opportunity what would you change?
30. If rights of community are violated do you know the mechanism and procedure for redress?
31. For what purpose have these lands been leased? How has the usage changed over time, i.e. the purpose?

32. What factors did you consider in determining how much to value your lands?
33. Who initiated the land transaction (probe exact characteristics of comprador elite)?
34. What procedures did you follow in coming to an agreement over the terms of the lease? (probe terms of agreement)
35. Who were the various actors involved in the land transfer process (probe migrants, indigenes, the elderly, the youth, males, females, specific religious groupings, specific families, any others)?
36. Has there been any conflict in the community over the land transfer?
37. Who are the aggrieved and what are some of these grievances?
38. What is the basis of their grievances?
39. What actions, if any, have been taken to redress these grievances?

Use the table below as check list for question 36-39

List of grievances	Those involved		Actions to address them	Effectives
	men	women		

40. How would you describe this land: Very useful; Useful; Marginal; Idle

## INTERVIEW GUIDE FOR INVESTORS

1. Name of company:
2. International Headquarters; Local headquarters; Other countries in which you operate
3. Major sectors of operation: Agricultural; Mining; Forestry/timber; Others (specify)
4. Main activities; Major outputs
5. Start date in country?
6. What drives the land deals now and not say 15 years ago?
7. What were your motivations for soliciting land in this country for large-scale agriculture?
8. Where in this country do you operate or intend to operate? Region(s); Division(s); Sub-division(s)
9. What area of land does your company occupy in this country?  
Localities \_\_\_\_\_ Area  
(hectares) \_\_\_\_\_
10. How would you describe this land: Very useful; Useful; Marginal; Idle
11. Have there been changes in the original plan in terms of land use? Why? What were these changes?
12. What formal and informal rules/channels if any, did you use in the process of land acquisition?

1	Formal rules and channels	informal rules and channels s
2		
3		
4		
5		

13. What role(s) did the following groups/personalities play in the process of the acquisition?

Group/Personality	Role in land acquisition
Chiefs	
Divisional Officer	
Elites	
Governor	
Local council	
Local MPs	
Local NGOs	
Men	
Civil administrator	
Women	
Youths	
Others	

14. Who participated in the signing of the agreement (probe: women)?
15. Name the ministries and government departments involved in the land acquisition process in the following table;

Ministry	Government department(s)	How were they involved

16. Did you obtain the informed consent of all the stakeholders of the communities prior to negotiation with the government?
  - (b) If yes, how
  - (c) If No, how do you intend to do with those whose consent you could not get?
17. Did you ensure full disclosure of your activities to the population?
18. Were people displaced because of the land deals? Were they compensated?
19. What are some of the reactions of women and members of community this community that were displaced?
20. How did the community, women in particular initially react to your proposal?
21. If reaction changed over time what length of time did it take the community to change its reaction? Why? How long did it take?
22. What kind of benefits was the community entitled to?
  - (b) The percentage of the profit
  - (c) Development projects

Project	Level of realization		
	Not started	Started	Realized

23. Are there local people represented in your Management Board?
  - (b) If yes, how many?
  - (c) What percentage of this number is made up of women? (d) Why?
25. Are there any avenues for mutual accountability between your company and the communities where you operate? If yes explain
26. What concrete framework if any have you put in place to ensure the following:
  - (a) Job sustainability (c) Environmental sustainability
27. Did you carry out any socio-economic impact assessment (EIA) prior to your negotiation for land acquisition in the areas where you operate? (b) If No, why?
28. What provisions were made for displaced women to secure alternative lands?
29. What proportion of your work force is comprised of the following local people?

Type of work force	Number	Reason
Skilled Women		
Unskilled women		
Skilled men		
Unskilled men		

30. In what ways do you think your investment in this community can lead to a win-win situation?

## Interview guide for civil society actors

1. Name of the organization
2. When it was established
3. Geographical coverage
4. What kinds of activities are you engaged in in relation to LSLA in the country?
5. For how long have you been working in these various communities?
6. In what specific communities have you worked?
7. How did you decide on the choice-of the communities (probe initiators of this idea)
8. What kinds of land laws do you work with in your advocacy efforts?
9. Which state actors (probe MMDAs) do you work with in your advocacy efforts and how?
10. Which other organizations do you work with?
11. Which women organizations do you work with?
12. What prompted your interest in LSLA matters (probe both local and international factors)?
13. How do you support the affected communities to demand for accountability?
14. To what extent have you been successful in your work (probe M & E indicators) beyond numbers (public interest litigation, education, mobilization, and advocacy)?
15. What measures are you using to define your success (probe issues of particularly horizontal accountability and the various groupings to which accountability was sought)?
16. What has been the impact of your work on women?
17. What in your opinion accounts for your success or lack thereof?
18. what have been the challenges while working on LSLAs issues
19. In your opinion, how did the investment impact on women's land rights?
20. What has been the response of the state, communities (women in particular) and investors to your activities?
21. Do you feel legitimate to represent these communities? Why and why not? (include table of indicators of legitimacy)
22. How have you ensured that the community support this cause?
23. What sustainability plan have you put in place
24. To whom is your organization accountable to? (probe women, investor, government, community)
25. What are the mechanisms put in place to ensure this accountability? (paste indicators of accountability)
26. what challenges have you encountered in this advocacy work
27. Give reasons on how accountability will be enhanced in LSLA process

## Citizen Action Groups

1. Name of the group
2. When did it start its activities?
3. Objectives of the group
4. Composition of the group and characteristics of the members: probe for number of male and female, social characteristics (age, ethnicity, migrants, elites, political leaders)
5. Number of communities represented
6. Who is the leader of the group?
7. What motivated the members to start this group?- probe for issues the group intended to tackle or is still handling?
8. What are the community mobilisation strategies and in particular women to fight against injustices and trying to demand for accountability
9. Methods/strategies of making the investors and the existing structures handling LSLA matters from the local to the national level to make them accountable and respond to the demands of the affected populations (e.g. registering grievances with the local authorities, demonstrations and public protests, petitions to parliament, public meetings, legal action, media and other information mechanisms etc
10. What has been the role of women in this struggle to demand for accountability?
11. Which actors have been in support of your cause (media, politicians, activist NGOs (local and international), legal fraternity). For each actor mentioned probe for the role and nature of support and what they have achieved dissemination?
12. State response and designated local government structures for handling such conflicts arising from investments
13. From experience, tell us what has been the outcome of these engagements and reasons
14. What has not worked and why
15. How can we make LSLA more responsive to the needs of the affected populations and in particular women